THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
FINAL AGENDA

CSC 7-2020

Wednesday, August 5, 2020

9:30 a.m.

Meeting will be held by electronic participation only

All electronic meetings can be viewed on Niagara Region's website at:

https://www.niagararegion.ca/government/council/

Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber at Regional Headquarters will not be open to the public to attend Committee meetings until further notice. To view live stream meeting proceedings, visit: niagararegion.ca/government/council

---

Pages

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST

3. PRESENTATIONS

4. DELEGATIONS

5. ITEMS FOR CONSIDERATION

6. CONSENT ITEMS FOR INFORMATION

6.2 CSC-C 13-2020 53 - 152
Bill 197 - Changes to the Development Charges and Planning Act (Community Benefit Charge)

7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Wednesday, September 9, 2020 at 9:30 a.m.

9. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Subject: Corporate Access to Information and Privacy Protection Policies

Report to: Corporate Services Committee

Report date: Wednesday, August 5, 2020

Recommendations

1. That Corporate Policy C-IMT-003, Information Access and Privacy Protection Policy (Appendix 1 of Report CLK 3-2020), **BE REPEALED**;

2. That the Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020) **BE APPROVED**; and

3. That the Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020) **BE APPROVED**.

Key Facts

- The purpose of this report is to seek Council's approval of two new corporate policies respecting access to information and protection of privacy.
- These policies put into place requirements based on the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act* (PHIPA).
- The current corporate privacy policy C-IMT-003, Information Access and Privacy Protection Policy, was last revised in 2012.
- Recommendation 5 of the Ontario Ombudsman Report "Inside Job", recommended Niagara Region ensure that all officials and employees with access to personal information understand their obligations under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- The new policies more clearly outline how Niagara Region remains in compliance with Ontario's legislative framework for privacy by creating separate policies for each piece of legislation.
- The new policies provide greater clarity respecting the roles and responsibilities of officials and staff throughout the organization.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” respecting the investigation he conducted regarding the process Niagara Region undertook in the hiring of its Chief Administrative Officer. Recommendation 5 of the Ombudsman Report states:

The Regional Municipality of Niagara should ensure that all officials and employees with access to personal information understand their obligations under the Municipal Freedom of Information and Protection of Privacy Act.

The current Information Access and Privacy Protection Policy deals with both provincial privacy laws, MFIPPA and PHIPA. In light of the Ombudsman’s recommendation, the obligations and corporate expectations of both officials and staff could be more clearly defined.

The two new policies being recommended by this report provide additional direction to staff with respect to what they are required to do to remain in compliance with the fundamental principles of the legislation. Additionally, to ensure the understanding of these expectations, Clerk’s Office staff will lead an education campaign throughout the fall of 2020, to ensure all staff are aware of policy changes and their individual obligations as defined therein.

The Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020), additionally states the requirements for conducting privacy impact assessments, completing personal information banks, and for the management of privacy incidents and contraventions against MFIPPA.

This policy will allow Niagara Region to be better prepared to:

- Anticipate, identify and prevent privacy invasive events before they occur;
- Build in the maximum degree of privacy into the default settings of Niagara Region’s systems and business practices. Doing so will keep a user’s privacy intact, even if they choose to do nothing;

- Embed privacy settings into the design and architecture of information technology systems and business practices instead of implementing them after the fact as an add-on; and
- Protect the interests of users by offering strong privacy defaults, appropriate notice, and empowering user-friendly options.

The Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020), specifically applies to Niagara Region's Health Information Custodians, a role defined by the *Personal Health Information Protection Act*. This policy provides additional guidance to the custodians and their staff with respect to an individual's ability to access their own health records, as well as the roles and responsibilities within the organization that are responsible for ensuring the protection of those records.

Alternatives Reviewed

Council may choose to continue with the current Information Access and Privacy Protection Policy, C-IMT-003. This is not recommended given the age of the policy and the recommendation from the Ontario Ombudsman respecting staff knowledge and understanding of their roles under the *Municipal Freedom of Information Protection of Privacy Act*.

Relationship to Council Strategic Priorities

The recommendations in this report align with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

CAO 17-2019 Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

Prepared and Recommended by:
Ann-Marie Norio
Regional Clerk
Administration

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with M. Trennum, Deputy Regional Clerk, and reviewed by S. Hannell, Manager, Information Management Services, M. Antidormi, Privacy Officer, and D. Gibbs, Director, Legal and Court Services.

Appendices

Appendix 1 C-IMT-003 (C3.F03) - Information Access and Privacy Protection Policy

Appendix 2 Draft Access to Information and Privacy Protection Policy

Appendix 3 Draft Personal Health Information Protection Policy

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

****This policy has been provided by Niagara Region for reference purposes only and does not constitute legal advice. This policy has no association with or authority over the operations of any organization beyond Niagara Region.****

DEVELOPED BY: Corporate Records and Information Services, Office of the Regional Clerk

APPROVED BY: CMAT

DATE: October 19, 2010

REVIEW DATE: October 19, 2012

POLICY STATEMENT

All Niagara Region employees and members of Regional Council shall comply with Ontario's information access and privacy requirements as mandated by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA, 1991) and the *Personal Health Information Protection Act* (PHIPA, 2004).

POLICY PURPOSE AND BACKGROUND

This policy confirms Niagara Region's obligation to provide information access and privacy protection in accordance with MFIPPA and PHIPA.

The accompanying procedures provide staff guidelines for how to comply with both Acts. All underscore the principles of openness and responsiveness expressed in corporate policy C3.A10, "Accountability and Transparency."

MFIPPA came into effect January 1, 1991. It has several key principles:

1. That the majority of information held by public institutions (i.e. Niagara Region) should be publicly accessible

2. That only under specific circumstances, as described in MFIPPA, should information be withheld from the public

3. That all personal information (PI), personal health information (PHI), and otherwise confidential information held by public institutions should be protected from unwarranted disclosure

4. That individuals who provide personal information to public institutions have a right at any time to view and/or correct this information.

MFIPPA also outlines a step by step process by which members of the public can request to view or obtain copies of information from public institutions.

PHIPA came into effect January 1, 2004. It is similar to MFIPPA, but makes no provisions for information access. PHIPA applies specifically to the confidentiality of personal health information (PHI) and dictates:

1. That all personal health information held by public institutions (i.e. Niagara Region) should be protected from unwarranted disclosure

2. That individuals who provide personal health information to public institutions (i.e. Niagara Region) have a right at any time to view, obtain a copy of and/or correct this information.

SCOPE

This policy and procedures apply to all Niagara Region employees, including members of Regional Council.

ENFORCEMENT

Consequences of a failure to comply with MFIPPA and PHIPA include:

- Privacy breach or breach of confidentiality
- Investigation by the Information and Privacy Commission of Ontario (IPC)
- IPC Orders issued against Niagara Region, its policies and/or employee practices
- Negative media coverage for Niagara Region, Regional departments, services and programs
- Loss of the public's trust
- Potential for legal appeals and/or litigation, with associated financial costs

Under MFIPPA s.42(2), any individual who wilfully acts in contravention of MFIPPA, requests information under false pretenses, obstructs an investigation by the IPC or fails to follow an order by the IPC is liable to a fine of up to $5,000.

PROCEDURE

This procedure describes the steps required to complete a formal written request for information under MFIPPA or PHIPA. Sometimes, information is requested informally via verbal, telephone or email exchanges. Please consult with supervisors and/or Access and Privacy staff within Clerk's for advice on how to respond to informal requests.

ACCESS TO INFORMATION

Step 1 – Request Received

- The Niagara Region Access and Privacy Unit within the Office of the Regional Clerk receives a written request for information, or
- Niagara Region employees receive a written FOI request and send it directly to the Access and Privacy Unit. Divisional management may be notified of a request, but the identity of the requestor must be kept confidential.

Step 2 – Request Acknowledged

- Legislated timelines for responding to an information request start "ticking" as of the date when the requester pays a fee of $5.00 as required under MFIPPA. PHIPA does not require an administrative fee.
- Access and Privacy staff send a letter of receipt to the requester.

Step 3 – Staff Notified

- Access and Privacy staff notify the appropriate MFIPPA/PHIPA staff contact that a request for information from their department or division has been made
- Staff contacts typically respond by providing records to the Access and Privacy Unit within five business days.

Step 4 – Further Staff Required (Optional)

- If the information request is very complex, Niagara Region employees may indicate that additional staff and/or councillors need to be involved.
- The Access and Privacy Unit will notify additional staff and/or councillors and ask if they have any records related to the request.
- Records must be provided regardless of format: paper, email, digital files, photos, video, voicemail, instant messages, etc.

If staff and/or councillors have no records relevant to the request, they will confirm this fact in writing.

If staff and/or councillors do have records relevant to the request, these records must be provided to Access and Privacy staff within legislated timelines.

Step 5 – Fee Estimate (Optional)

- Before any records are actually provided, the Access and Privacy Unit may ask for an estimate of how many records each individual holds that pertain to the request. These numbers may be used to create a fee estimate, which is then sent to the requester.
- Fee estimates may be quite large, depending on the staff time required to search and review records. Upon receipt of a fee estimate, the requester may choose to:
    a) Not pay the fee, and not pursue the information request further
    b) Not pay the fee, and contact Access and Privacy staff to narrow the scope of their request
    c) Not pay the fee, and initiate an appeal with the Office of the Information and Privacy Commissioner for Ontario (IPC)
    d) Pay the fee (full amount if total is under $100.00; minimum 50% deposit required if total is over $100.00) and continue pursuing the information request in its original form

Step 6 – Application for Extension (Optional)

- If the request is going to require extensive search time or requires clarification, Niagara Region may apply for an extension as defined in MFIPPA. Access and Privacy staff will notify the requester of the extension. Extensions may occur once only per request.

Step 7 – Records Provided

- Records related to the information request must be provided to Access and Privacy staff as soon as possible.
- This may be done in paper or electronic form. Originals should be provided whenever possible.

Step 8 – Records Reviewed

- Access and Privacy staff review records and, if necessary, sever information that is exempt from public disclosure under MFIPPA. Exemptions may include:

Discretionary Exemptions	**Mandatory Exemptions**
Draft by-laws	Third party information
Advice or recommendations	Relations with governments
Discretionary Exemptions (ctd.)	**Mandatory Exemptions (ctd.)**
Law enforcement	Personal information
Economic/Other interests	Personal health information
Danger to health and safety	
Danger to national security	
Solicitor-client priviledge	
Information soon to be published	
Constituent business	

Step 9 – Third Party Notification (Optional)

- If third party information is present in the requested records, Access and Privacy staff will notify the parties concerned and request their representation on the disclosure of the affected records.
- Third Parties will submit their response within 20 working days to the Access and Privacy Unit, along with their views on the disclosure.

Step 10 – Disclosure Decision

- Under MFIPPA, organizations must identify a "designated head" that has the final authority to make decisions about information disclosure. At Niagara Region, by-law 6077-90 names the Chair of Regional Council as the designated head for the purposes of MFIPPA.
- Similarly, the Niagara Region Medical Officer of Health is identified as a Health Information Custodian for the purposes of PHIPA.

Step 11 – Records Provided to Requester

- After a careful review, records are provided to the requester within legislated timelines.
- The requester may view records in person, receive them electronically, or obtain a hard copy.

PRIVACY PROTECTION

The following procedures are based on the requirements of MFIPPA, PHIPA, and 10 privacy principles developed by the Canadian Standards Association.

Principle 1: Accountability

Niagara Region, its employees and councillors are publicly accountable for protecting the privacy of clients, customers and business partners who submit personal or otherwise privileged information to the Region in confidence, provided that public expectations of privacy fall within the dictates of MFIPPA and PHIPA. See corporate policy C3.A10, "Accountability and Transparency."

Principle 2: Identifying Collection Purposes
When collecting personal information (PI) or personal health information (PHI), Niagara Region will inform clients and customers as to why this information is required and how it will be used.

2.1 At Niagara Region, common reasons for collecting PI and PHI include:

- program administration
- property administration (taxes, building inspection and licensing)
- provision of services
- provision of utilities
- by-law enforcement
- personnel administration
- public safety
- general correspondence

2.2 Niagara Region will demonstrate its legal authority to collect PI and PHI, and will provide a contact for questions about the collection and use of PI and PHI. This may require:

- a notification clause or collection disclaimer on all forms that collect personal information, including those that appear on www.niagararegion.ca
- contact numbers and/or notification clauses posted visibly at service counters where personal information is received verbally

2.3 Niagara Region does not share personal information with other government agencies, except where provided for by an Act of legislation or informed consent.

2.4 If it is necessary to use PI or PHI for purposes other than those originally stated at the time of collection, Niagara Region will obtain informed consent from the individual(s) involved.

Principle 3: Consent
Niagara Region obtains consent for the collection, use and disclosure of personal information, except for instances when requiring consent may endanger the health or safety of an individual.

Principle 4: Limiting Collection
Niagara Region will only collect information that is absolutely necessary for the delivery of programs or services, general administration, public safety, collection of taxes or by-law and law enforcement.

4.1 When Niagara Region collects PI and/or PHI, it will do so in a transparent manner. In other words, no PI and/or PHI will be collected from individuals indirectly or without their knowledge.

4.2 Indirect collection of personal information will occur only when the guardian of a person under the age of consent (a minor) is supplying the information, or when collection is necessary for the purpose of by-law or law enforcement, administrative investigations or public safety.

4.3 If Niagara Region receives any unsolicited PI/PHI from citizens or clients, it must be retained in a secure and confidential manner. If sent in error, contact the sender to return the information. If related to a Niagara Region program or service, direct the sender to a more appropriate contact. If received via email, instant message or Facebook, ensure that privacy of the message will be maintained and contact the sender to establish a more secure method of exchange. Always take great care when receiving, storing and transmitting PI/PHI.

Principle 5: Limiting Use, Disclosure & Retention

In addition to limiting use and disclosure, PI and PHI will only be retained by Niagara Region long enough to meet legislative or operational requirements contained in the Regional Municipality of Niagara Records Retention By-Law and Schedule "A".

5.1 Niagara Region does not give, rent, trade or sell personal information lists to any organization other than its own departments or agencies, except where provided for by an Act of legislation.

5.2 Appropriate physical, technological, and procedural safeguards will be implemented to ensure that all PI and PHI retained by Niagara Region remains secure from unintentional disclosure.

Principle 6: Accuracy

Niagara Region will maintain all records containing PI and PHI as accurate, complete and up-to-date.

6.1 Niagara Region updates information as it is made available by the individual who provided the information.

6.2 Niagara Region does not routinely update personal information unless such a process is necessary to fulfill the purpose for which the personal information was originally collected.

6.3 It is the responsibility of the individual who supplied PI and/or PHI to advise Niagara Region when changes are required to this information.

6.4 As per section 36 of MFIPPA, any individual may request corrections to PI and/or PHI held by The Region, if they believe that an error or omission has been made. Click here for the MFIPPA form to correct personal information.

Not all requests for correction will be fulfilled, but there will at minimum be a notation added to the original information that outlines the requested change. Notice will be supplied as to whether or not the correction was made and the reasons for the decision.

Principle 7: Safeguards

Niagara Region protects PI and PHI with physical, technological and procedural safeguards that are appropriate to the format and sensitivity of the information.

7.1 Protection methods for personal information include:

- staff training
- locked file cabinets and file rooms
- restricted office access
- clean desk practices
- employee confidentiality agreements
- passwords and network security
- data encryption

7.2 If a third party is contracted to collect or use personal information on behalf of Niagara Region, legal agreements or written consent processes must be developed that require the third party to use practices that protect the personal information in accordance with MFIPPA and PHIPA.

7.3 Completion of a Privacy Impact Assessment (PIA) is highly recommended as a method of assessing risks to privacy and ensuring that all Niagara Region programs and services operate with privacy protection as a priority. Detailed information and advice on completing a PIA is available from:

- Access and Privacy Staff (FOI@niagararegion.ca; x.3273)
- Ontario Ministry of Government Services (http://www.accessandprivacy.gov.on.ca/english/pia/index.html)
- Office of the Information and Privacy Commissioner of Ontario (http://www.ipc.on.ca)

Principle 8: Openness

Niagara Region adheres to and supports the principles of access and transparency embodied by MFIPPA.

8.1 Information, once requested, will be released unless it falls under one of the exemptions listed in MFIPPA, or:

- it contains PI and/or PHI that does not belong to the requester
- disclosure is limited by some other legislation
- there is a legal agreement in place prohibiting release
- disclosure would limit by-law and law enforcement

Principle 9: Individual Access

Upon completion of the FOI Request Form, Access and Privacy Unit staff will provide to the individual making the request, access to PI and/or PHI that is held about them by Niagara Region.

9.1 If required, assistance is available in completing a request.

9.2 Niagara Region may request identification to verify the identity of individuals seeking access to their own personal information.

9.3 Niagara Region will make every effort to comply with legislated deadlines and fee structures as per MFIPPA.

9.4 In the event of a highly complex or voluminous request, an estimate of applicable charges and/or fees will be provided to the requestor, and approved by the requestor, prior to the gathering of information to fill the request.

Principle 10: Challenging Compliance

An individual may challenge Niagara Region's compliance with these privacy principles or with MFIPPA and/or PHIPA by contacting Access and Privacy staff via FOI@niagararegion.ca or 905-685-4225 x.3741

10.1 The FOI Coordinator will make every reasonable effort to satisfy the concerns of a challenge, including reviewing the policies and practices of The Region and submitting a response to the individual making the challenge.

10.2 If an applicant is not satisfied with the response received from The Region's FOI Coordinator regarding compliance, or any part of an information request, an appeal can be sent to the Office of the Information and Privacy Commissioner of Ontario (IPC). A staff member of the Commissioner's office will arrange to mediate with the two parties and come to an agreement. If this process fails to satisfy the applicant then a formal inquiry will be held with the Commissioner. The Commissioner's ruling is binding on both parties.

10.3 If required, The Region's FOI Coordinator will assist an applicant in sending an appeal to the Office of the Information and Privacy Commissioner.

Policy Owner	Corporate Administration, Office of the Regional Clerk, Access and Privacy Office, Deputy Regional Clerk
Approval Body	Council
Approval Date	
Effective Date	
Review by Date	August 2022

1. Policy

Niagara Region shall comply with the Province of Ontario's access to information and privacy protection requirements as mandated by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

Access and Privacy Principles
Niagara Region is committed to fostering trust and confidence with the public through its adherence to the following fundamental principles of MFIPPA:

1) Information should be available to the public

Niagara Region shall provide access to information under its custody or under its control, whether through routine disclosure, proactive dissemination, Open Data, and/or through the formal freedom of information request process, in accordance with the principles that:

a. Information should be available to the public; and
b. Necessary exemptions from the right of access should be limited and applied in specific circumstances, such as the protection of personal information, third party information, and confidential government information protected by legal privilege.

2) Individuals shall have access to their own personal information
Niagara Region's divisions, programs, or services which collect, use, retain, disclose, and/or dispose of personal information shall, in consultation with the Access and Privacy Office, develop, implement and annually review procedures for granting individuals' access to their own personal information, including a standard for what information may be provided through routine disclosure and what information may require the individual to submit a freedom of information request.

   Every individual who is given access to his/her personal information is entitled to request correction of the personal information Niagara Region has in its custody or in its control, if the individual believes there is an error or omission.
   - In the event Niagara Region is unable to make a correction due to the inability to verify accuracy, Niagara Region shall instead ensure the request is documented and appended to the information in question reflecting any correction that was requested but not made and the reasons therefore.
   - Additionally, Niagara Region shall ensure that anyone to whom the personal information was disclosed, within the year before the correction was requested, be notified of the correction or the statement of disagreement.

3) Institutions must protect the privacy of individuals with respect to personal information; Niagara Region will:
   a. Establish and maintain a corporate privacy program and procedural framework in accordance with the Canadian Standard Association's (CSA) guiding principles of privacy;
      i. Accountability
      ii. Identifying Collection Purposes
      iii. Consent
      iv. Limiting Collection
      v. Limiting Use, Disclosure & Retention
      vi. Accuracy
      vii. Safeguards
      viii. Openness
      ix. Individual Access
      x. Challenging Compliance

b. Ensure all officials and employees share responsibility for the protection of personal information as further described in the roles and responsibilities identified in this policy;

c. Plan for and ensure that the protection of personal information is embedded in the design of all Niagara Region programs, processes, projects and technology;
   i. Niagara Region's programs and services shall conduct a privacy impact assessment (PIA), in a manner that is proportionate with the privacy risk identified by the PIA screening tool, for any new or modified collection, use, retention, disclosure and/or disposal of personal information, or personal health information.

d. Establish and communicate a set of privacy standards and guidelines to improve the protection of personal information by identifying, investigating, assessing, monitoring, and mitigating privacy risks in Regional programs and services which collect, use, disclose and dispose of personal information;

e. Apply this policy and related policies and practices to the collection, use, retention, disclosure, and disposal of personal information;

f. Clearly communicate to the public how personal information is collected, used, disclosed and disposed;
   i. Niagara Region shall make available for inspection by the public an index of all personal information banks (PIB) in the custody or under the control of the institution. The information should include:
      1. Its name and location;
      2. The legal authority for its establishment;
      3. The types of personal information maintained in it;
      4. How personal information is used on a regular basis;
      5. To whom the personal information is disclosed on a regular basis;
      6. The categories of individuals about whom personal information is maintained; and
      7. The policies and practices applicable to the retention and disposal of the personal information.

ii. Niagara Region will ensure Personal Information Banks receive routine maintenance and updating as required to ensure the accuracy and transparency of the information;

g. Make privacy training mandatory, proportional with their job responsibilities, for all Regional officials and employees with access to personal information to understand their obligations under MFIPPA;

4) Niagara Region shall ensure that reasonable measures, respecting the safeguarding and retention of records in the custody or under the control of Niagara Region, are defined, documented, and administered, taking into account the nature of the records to be protected.

Managing Privacy Incidents and Privacy Breaches

Niagara Region shall work to contain, investigate, and reduce the risk of future incidents when personal information is collected, retained, used, disclosed, or disposed of in ways that do not comply with Ontario's privacy laws.

All privacy incidents shall be immediately reported, or reported as soon as reasonably possible, to Niagara Region's Access and Privacy Office.

2. Purpose

To foster public trust by establishing mandatory requirements and clear responsibilities and accountability for the protection of personal information that is collected, used, disclosed, or disposed of by Niagara Region.

3. Scope

This policy applies to all Niagara Region employees, elected officials, students and volunteers. Niagara Region employees responsible for managing, developing, and entering into contracts with any third party service providers or contractors that involve information that would be subject to this policy are responsible for ensuring that those contractual arrangements are in alignment with this policy.

This policy applies to all personal information including personal health information in the custody or the control of Niagara Region and is not limited by the scope of any individual legislation or regulation with the exception of personal health information in the custody or control of Niagara Region's Health Information Custodians pursuant to PHIPA.

3.1. Roles and Responsibilities

3.1.1. Regional Clerk

a. Provide oversight of and compliance with this Policy and Framework by all Regional Staff.

3.1.2. Corporate Leadership Team

a. Integrate protection of personal information requirements into the development, implementation, evaluation, and reporting activities of divisional programs and services in accordance with this policy and any of its procedures;
b. Promote a culture of business practices that ensure Regional information is shared and accessible to the greatest extent possible, while respecting privacy requirements of personal information and other confidentiality obligations.

3.1.3. Deputy Regional Clerk

a. Develop and implement policies, programs and services for management and protection of personal information based on Privacy by Design principles;
b. Establish privacy standards, guidelines and procedures to support this Policy and Framework;
c. Coordinate the corporate privacy breach protocol and the response to complaints regarding the misuse of personal information;
d. Authorize and sign-off on the Privacy Impact Assessment report prior to implementation of any technology, system, program or service involving the collection or use of personal information or personal health information;

e. Engage the Chief Information Officer to assess the security of any technological system that collects or uses personal information or personal health information.

3.1.4. Freedom of Information Coordinator

a. Accept formal freedom of information (FOI) requests on behalf of Niagara Region and facilitate the search, gathering and redaction of the records, as required;
b. Maintain all records and information pertaining to an FOI request;
c. Review divisional procedures for granting individuals' access to their own personal information, including access through routine disclosure and freedom of information requests;
d. Complete annual reporting to the Information and Privacy Commissioner/Ontario which includes compiling and verifying required data.

3.1.5. Access and Privacy Office

a. Implement this policy, in partnership with Regional Divisions, including the development of required procedures;
b. Review divisional practices for the collection, use, disclosure and disposition of personal information;
c. Consult with business programs to meet privacy requirements as identified in this Policy, applicable legislation, privacy standards and procedures;
d. Investigate reports of privacy breaches and communicate findings to complainant and engage with Legal Services as required;
e. Review and investigate all privacy incidents to determine whether or not a breach has occurred. The Access and Privacy Office will coordinate and manage all privacy breaches according to Niagara Region's Privacy Breach Protocol procedure
f. Conduct Privacy Impact Assessments in consultation with Regional Divisions and programs;
g. Develop, coordinate and deliver privacy training as required by this policy and its associated procedures.

3.1.6. Manager, Information Management Services

a. Oversee, develop and implement corporate strategies, policies, standards, procedures, best practices and programs to promote the Regions records and information management program;

b. Lead records and information training and awareness campaigns;

c. Provide advice and guidance on records and information management policies and related matters.

3.1.7. Chief Information Officer

a. Implement Privacy by Design principles in Enterprise Architecture, information technology policies, standards, procedures and technologies;

b. Conduct Risk Assessments (Threat Risk Assessments, and Vulnerability Assessments) on all technological systems involving the collection or use of personal information prior to implementation or deployment;

c. Execute recommendations identified in Privacy Impact Assessment reports;

d. Provide to the Deputy Regional Clerk the results of all Threat Risk Assessments and Vulnerability Assessments on any technological system that collects or uses personal information or personal health information.

3.1.8. Directors and Divisional Leadership

a. Be accountable for ensuring personal information is collected, used, disclosed and disposed in accordance with legislation and associated regulations, standards and other Regional policies, and in compliance with this policy;

b. Develop, in consultation with the Freedom of Information Coordinator and the Privacy Officer, procedures for granting individuals' access to their own personal information, including a standard for what information may be provided through routine disclosure and what information may require the individual to submit a freedom of information request;

c. Implement this Policy and Framework and communicate to staff under their direction;

d. Restrict access to personal information to those individuals who require access to personal information in order to perform their duties and where access is necessary for the administration of their business;

e. Maintain personal information and develop, and implement processes whereby individuals can view information held about them and what the Region uses it for. These processes will also facilitate individuals needing to correct or update their information;

f. In collaboration with the Privacy Officer, the Chief Information Officer, applicable Commissioner, Procurement staff, and the Chief Administrative Officer, ensure that any contractual arrangements with third party service providers or contractors are in alignment with this policy;

g. Consult with the Deputy Regional Clerk and the Chief Information Officer during the planning stages, before any procurement, and prior to implementation of any technology, system, program or service involving the collection, use, disclosure or disposition of personal information or personal health information.

3.1.9. Niagara Region Personnel

Each individual that collects, uses, discloses, or disposes of information received as part of their duties as a Regional employee including personal information, is accountable for the actions they take with the information including ensuring the information is used only for the purpose it was obtained and is not disclosed to either other employees or non-employees except as permitted in accordance with this policy and applicable legislation whatever form the information is stored or transmitted in. All employees will:

a. Manage personal information that they collect, use, retain, disclose and dispose of for Regional business in accordance with this policy and its procedures to safeguard such information;

b. Take privacy training as required by their role, position, or in consultation with the Access and Privacy Office to ensure the appropriate handling of personal information and to understand their responsibilities to protect privacy in executing their operational duties;

c. Ensure that personal information is only accessible and discussed by authorized users;
d. Report any privacy incidents to the Access and Privacy Office immediately, or as soon as reasonably possible;
e. Be aware of their individual privacy responsibilities as defined by departmental, divisional, or program specific procedures for the collection, use, retention, disclosure, or disposal of personal information;

Each individual should be aware that non-compliance with MFIPPA requirements, risks and consequences may include any or all of the following:

- Loss of trust or confidence in the Niagara Region
- Privacy Breach or breach in confidentiality
- Legal liabilities and proceedings
- Investigation by privacy oversight bodies (IPC)
- IPC Orders issued against Niagara Region, its policies and/or employee practices
- Negative media coverage for Niagara Region, Regional departments services and programs

Under MFIPPA s.42(2), any individual who willfully acts in contravention of MFIPPA, requests information under false pretenses, obstructs an investigation by the IPC or fails to follow an order by the IPC is liable to a fine of up to $5,000.

Definitions

MFIPPA means the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario) and its regulations, as amended from time to time.

Personal Information means all recorded information that is about an identifiable individual or is defined or deemed to be “personal information” pursuant to any laws or regulations related to privacy or data protection that are applicable to the Regional Municipality of Niagara (including, without limitation, any information that constitutes “personal information” as such term is defined by MFIPPA or “personal health information” as such term is defined by PHIPA).

Privacy Breach means any inappropriate or unauthorized collection, use, retention, disclosure, or disposal of personal information.

Privacy by Design means the consideration of privacy during the design process that integrates the protection of "personal information" directly into the technology/system through creation, operation, and management of the system or technology itself.

Privacy Impact Assessment (PIA) means the tool used by the corporation to review any change to the collection, use, retention, disclosure, or disposal of "personal information" to assess the risks to privacy associated with the change, and to provide recommendations on how to mitigate these risks.

Privacy Incident means and inappropriate or unauthorized action that involves data, information or records which include "personal information" that may lead to the discovery of a "privacy breach".

Threat Risk Assessment (TRA) means the tool use by the corporation to identify, analyzing and reporting the risks associated with an information technology system's potential vulnerabilities and threats.

Vulnerability Assessment (VA) means the process of defining, identifying, classifying and prioritizing vulnerabilities in computer systems, applications and network infrastructures and providing the corporation with the necessary knowledge, awareness and risk background to understand the threats to its environment and react appropriately

4. References and Related Documents.

4.1. Legislation, By-Laws and/or Directives

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);

Niagara Region Retention By-law

Delegation of Head by-law

4.2. Procedures

Privacy breach protocol

5. Related Policies

Personal Health and Information Protection Act (PHIPA) Policy

6. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

Policy Owner	Corporate Administration, Office of the Regional Clerk, Access and Privacy Office, Deputy Regional Clerk
Approval Body	Council
Approval Date	
Effective Date	September 1, 2020
Review by Date	August 2022

1. Policy

Niagara Region shall comply with the Province of Ontario's access to information and privacy protection requirements as mandated by the *Personal Health Information Protection Act* (PHIPA, 2004).

Individual Access to his/her Own Personal Health Information

Niagara Region programs and services, which collect personal health information (PHI) shall develop, implement and annually review procedures for granting individuals' access to their own PHI, including a standard for what information may be provided through routine disclosure and what information may require the individual to submit a formal written request for records, or request for a correction of PHI.

Every individual who is given access to his/her PHI is entitled to request correction of the PHI, if the individual believes there is an error or omission.

- In the event Niagara Region is unable to make a correction due to the inability to verify accuracy, Niagara Region shall instead ensure the request is documented and appended to the information in question reflecting any correction that was requested but not made and the reasons therefore.
- Additionally, Niagara Region shall ensure that anyone to whom the PHI was disclosed, within the year before the correction was requested, be notified of the correction or the statement of disagreement.

Privacy Protection of Personal Health Information

Health Information Custodians will:

a. Comply with Niagara Region's corporate privacy program and procedural framework by developing health information practices, in accordance with PHIPA and with the Canadian Standard Association's (CSA) guiding principles of privacy;

   i. Accountability
   ii. Identifying Collection Purposes
   iii. Consent
   iv. Limiting Collection
   v. Limiting Use, Disclosure & Retention
   vi. Accuracy
   vii. Safeguards
   viii. Openness
   ix. Individual Access
   x. Challenging Compliance

b. Maintain, or require the maintenance of, an electronic audit log in compliance with PHIPA and Ontario Regulations for any electronic means of collection, use, disclosure, modification, retention or disposal of PHI;

c. Ensure all officials and employees share responsibility for the protection of personal information as further described in the roles and responsibilities identified in this policy;

d. Apply this policy and related policies and practices to the collection, use and disclosure, and disposal of personal information.

2. Purpose

The purpose of this privacy policy is to establish mandatory requirements and responsibilities for the protection of personal health information (PHI) that is received or sent by Niagara Region's Health Information Custodians.

Niagara Region is committed to being a leader in privacy by fostering trust and confidence with its clients and the public through its transparency of process and by maintaining confidentiality and a high level of protection of PHI.

3. Scope

This policy applies to all Niagara Region employees, elected officials, students and volunteers. Niagara Region employees responsible for managing, developing, and entering into contracts with any third party service providers or contractors that involve information that would be subject to this policy are responsible for ensuring that those contractual arrangements are in alignment with this policy. The policy applies to all services and corporate activities that may impact the privacy of PHI in Niagara Region's custody or control.

3.1. Roles and Responsibilities

3.1.1. Health Information Custodians

Niagara Region has two Health Information Custodians as defined by the *Personal Health Information Protection Act*, *2004*: The Medical Officer of Health, and the Commissioner of Community Services.

Appendix A provides a list of Niagara Region's Health Information Custodians. Appendix B provides a diagram of the Health Information Custodian administrative reporting structure.

Any designated Health Information Custodian at Niagara Region shall:

i. Obtain the individual's implied or express consent when collecting, using and/or disclosing PHI, except in limited circumstances as specified under PHIPA;
ii. Collect PHI appropriately (by lawful means and for the lawful purposes of providing health care as defined by PHIPA) and no more than is reasonably necessary;
iii. Take reasonable precautions to safeguard PHI:
    a) against theft or loss,
    b) unauthorized use, disclosure, copying, modification and/or destruction;
iv. Implement and annually review procedures regarding consent documentation;

v. Provide notification to an individual at the first reasonable opportunity if the information is stolen, lost or accessed by an unauthorized person;
vi. Implement and annually review procedures for auditing for compliance with this policy and PHIPA requirements for protection of privacy;
vii. Ensure health records are as accurate, up-to-date and complete as necessary for the purposes for which they were collected, used and/or disclosed;
viii. Ensure health records are stored, transferred and disposed of in a secure manner;
ix. Designate a contact person who is responsible for:
    a) responding to access/correction requests;
    b) responding to enquires about the health information custodian's information practices;
    c) receiving complaints regarding any alleged breaches of PHIPA and notifying Niagara Region's Access and Privacy Office as soon as possible;
x. Provide a written statement for each Health Information Custodian as defined in this policy that is readily available to the public, published on the Region's external website, and/or available in print from each program service area which describes:
    a) the Health Information Custodian's information practices;
    b) how to reach the contact person; and
    c) how an individual may obtain access to, request a correction and/or make a complaint regarding his/her PHI;
xi. Administer the review, response and administration of all formal requests for PHI and records in the custody or control of the Health Information Custodian, in coordination with Niagara Region's Access and Privacy Office; and
xii. Ensure that all agents of the Health Information Custodian are appropriately informed of their duties under this policy and PHIPA.

3.1.2. Access and Privacy Office, Office of the Regional Clerk

a) Develop and implement policies, programs and services for management and protection of PHI based on Privacy by Design principles;
b) Establish privacy standards, guidelines and procedures to support this Policy and Framework;

c) Develop, coordinate and deliver privacy training as required by this policy and its associated procedures;
d) Advise Niagara Region's Health Information Custodians, programs and services on the implementation of this policy, their roles and responsibilities, and interpretation of PHIPA;
e) The Access and Privacy Office is responsible for reviewing all privacy incidents and investigating to determine whether or not a breach has occurred. The Access and Privacy Office will coordinate and manage all privacy breaches of PHI according to Niagara Region's Privacy Breach Protocol procedure.

3.1.3. Niagara Region Personnel

Each individual that collects, uses, discloses, or disposes of information received as part of their duties as a Regional employee including personal information, is accountable for the actions they take with the information including ensuring the information is used only for the purpose it was obtained and is not disclosed to either other employees or non-employees except as permitted in accordance with this policy and applicable legislation whatever form the information is stored or transmitted in. All employees will:

a) Manage PHI that they collect, use, retain, disclose and dispose of for Regional business in accordance their college requirements (if applicable) and with this policy and its procedures to safeguard such information;
b) Take privacy training as required by their role, position, or in consultation with the Access and Privacy Office, to ensure the appropriate handling of personal information and to understand their responsibilities to protect privacy in executing their operational duties;
c) Ensure that PHI is only accessible and discussed by authorized users;
d) Be aware of their individual privacy responsibilities as defined by departmental, divisional, or program specific procedures for the collection, use, retention, disclosure, or disposal of personal information.

Each individual should be aware that non-compliance with PHIPA requirements, risks and consequences may include any or all of the following:

- Loss of trust or confidence in Niagara Region
- Cost and time in dealing with Privacy Breaches
- Legal liabilities and proceedings

- Investigation by privacy oversight bodies (IPC)
- Negative media coverage for Niagara Region, Regional departments services and programs

Definitions

Health Information Practices means in relation to one of Niagara Region's health information custodians, the policy of the custodian for actions in relation to "personal health information", including,

(a) when, how and the purposes for which the custodian routinely collects, uses, modifies, discloses, retains or disposes of personal health information, and

(b) the administrative, technical and physical safeguards and practices that the custodian maintains with respect to the information.

Personal Health Information means all recorded information that is about an identifiable individual or is defined or deemed to be "personal health information" pursuant to any laws or regulations related to privacy or data protection that are applicable to the Regional Municipality of Niagara (including, without limitation, any information that constitutes "personal health information" as such term is defined by PHIPA).

PHIPA means the *Personal Health Information Protection Act* (Ontario) and its regulations, as amended from time to time.

Privacy Breach means any inappropriate or unauthorized collection, use, retention, disclosure, or disposal of personal information, as a result of a contravention of this policy, MFIPPA or PHIPA.

Privacy by Design means the consideration of privacy during the design process that integrates the protection of "personal information" directly into the technology/system through creation, operation, and management of the system or technology itself.

Privacy Incident means and inappropriate or unauthorized action that involves data, information or records which include "personal information" that may lead to the discovery of a "privacy breach".

4. References and Related Document

4.1. Legislation, By-Laws and/or Directives

Personal Health Information Protection Act, 2004 (PHIPA)

4.2. Procedures

C-XXX-000-001 **Formal Request for Records of Personal Health Information Procedure**

C-XXX-000-002 **Delegation of Authority to Agents of the Health Information Custodian**

5. Related Policies

C-XXX-000 Access to Information and Privacy Protection Policy

6. Appendices

Appendix A – List of Niagara Region's Health Information Custodians
Appendix B – Health Information Custodian Reporting Structure

7. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

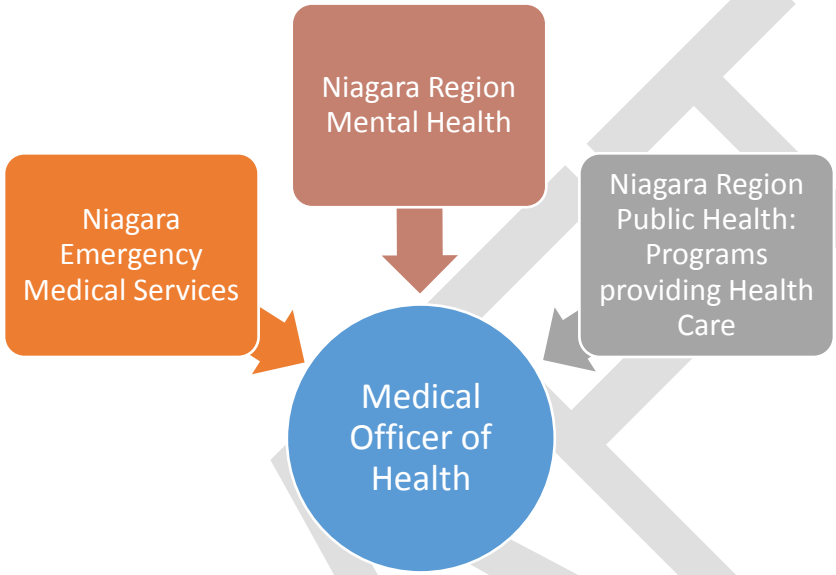
Revision No.	Date	Summary of Change(s)	Changed by

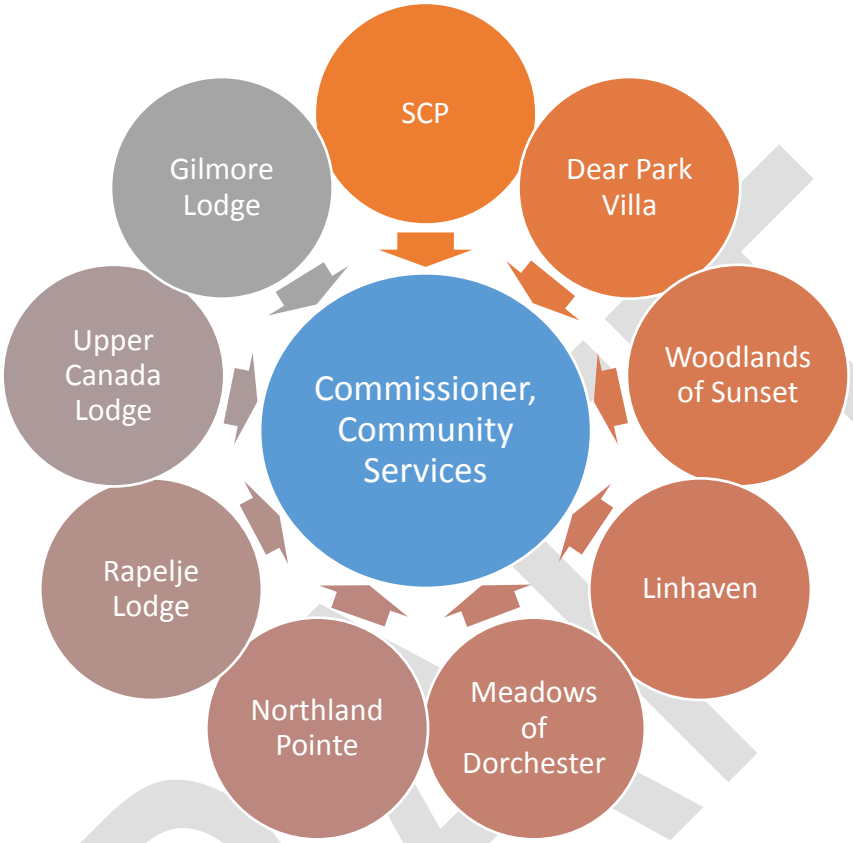
Appendix A – List of Niagara Region's Health Information Custodians

Niagara Region Operates with two distinct Health Information Custodians.

Health Information Custodians	**Agents (Associated Programs and Services)**
1. **Medical Officer of Health/ Commissioner Public Health**	Niagara Region Public Health programs providing health care
	Niagara Region Mental Health
	Niagara Emergency Medical Services
2. **Commissioner, Community Services**	Seniors Community Programs
	Deer Park Villa Long-Term Care Home
	Woodlands of Sunset Long-Term Care Home
	Linhaven Long-Term Care Home
	Meadows of Dorchester Long-Term Care Home
	Northland Pointe Long-Term Care Home
	Rapelje Lodge Long-Term Care Home
	Upper Canada Lodge Long-Term Care Home
	Gilmore Lodge Long-Term Care Home

Appendix B - Health Information Custodian Administrative Reporting Structure




SCP
Gilmore Lodge
Dear Park Villa
Upper Canada Lodge
Commissioner, Community Services
Woodlands of Sunset
Rapelje Lodge
Linhaven
Northland Pointe
Meadows of Dorchester

Subject: Surplus Property – 919 Smithville Road, West Lincoln

Confidential Report to: Corporate Services Committee

Report date: Wednesday, August 5, 2020

Recommendations

1. That the Regional owned lands, municipally known as 919 Regional Road 14 (Smithville Road) in West Lincoln (the "Surplus Property") **BE DECLARED** surplus to the Region's needs;
2. That staff **BE AUTHORIZED** to proceed with the disposal of the Surplus Property in accordance with Niagara Region's Disposal of Land By-law;
3. That the Commissioner of Corporate Services **BE AUTHORIZED** to negotiate the terms and execute the Agreement of Purchase and Sale, conditional upon final approval by Regional Council; and
4. That staff **BE DIRECTED** to report back to Corporate Services Committee for the approval of the sale once an acceptable Agreement of Purchase and Sale has been received for the Surplus Property.

Key Facts

- The purpose of this report is to seek Council's approval to declare property surplus in accordance with the Region's Disposal of Surplus Land By-law 26-2011;
- Staff has circulated the property to departments of the Region, Boards and Agencies, the Township of West Lincoln, School Boards, and the Provincial and Federal governments and no interest has been expressed;
- The Surplus Property was acquired in 2012 to aid with the reconstruction of Regional Road No. 14 in Smithville;
- Preliminary construction design indicated the dwelling on the Surplus Property would be demolished, however, the structure was able to remain;
- As reconstruction of this section of Regional Road No. 14 is now complete, staff is in a position to begin the surplus process for this property.

Financial Considerations

The Surplus Property with the portion of land dedicated as road (collectively known as the "Initial Property") was acquired by Niagara Region in 2012 at the then appraised value of $420,000. The Initial Property was approximately 4.63 acres with 0.33 acres to

be dedicated as road leaving 4.3 acres as the Surplus Property. In October 2019, Niagara Region engaged CHS Realty Advisors Inc. for a cost of $1,200 to complete an appraisal on the Subject Property. CHS determined the value to be $600,000 for the land, single-family detached dwelling, and detached garage.

Niagara Region incurred electrical maintenance costs of $2,520 to obtain an ESA Permit and Certificate of Inspection for the dwelling. An additional investment of $1,560 were required to install a new gas valve, gas pipe, thermostat, additional piping, and a shut-off in the basement, to safely turn on the furnace. Lastly, monthly maintenance expenses of $495 for snow removal and lawn maintenance were incurred throughout the duration of Niagara Region's ownership of the property. The net sale proceeds for the sale to be credited to DEPT ID 10451 (Surplus Property).

Analysis

The Surplus Property is a vacant residential property in Smithville covering approximately 4.3 acres. The site is improved with a 2,214 square foot single family detached dwelling and a 1,477 square foot detached garage. The Surplus Property is designated as Natural Heritage System in the Township of West Lincoln's Official Plan with an Agricultural, Environmental Conservation, and Environmental Protection zoning. There are registered archaeological sites on the Surplus Property, therefore, a Stage 1 or 2 Archaeological Assessment would be required for any development proposals. There are numerous environmental features on and surrounding the Surplus Property. This means future development will likely require the completion of an Environmental Impact Study and may be constrained to certain areas within the property limits.

The Initial Property was acquired in 2012 to aid in the reconstruction of Regional Road No. 14 which experienced settlement and cracking of the pavement for many years due to slope instability. Issues were encountered with the Initial Property in the years leading up to the 2012 acquisition as this section of roadway was most impacted. Preliminary construction design indicated that the dwelling be demolished to ensure proper grading for the front yard which was required for the road widening. During the reconstruction of the road, it was determined that only the deck at the front of the dwelling required removal to allow for proper grading and setbacks. As a result, the decision was to maintain the dwelling and sell it with the remaining property if declared surplus.

An aerial photo of the Surplus Property depicting the property line outlined in red is attached as Appendix 1.

Alternatives Reviewed

In accordance with the Disposition of Land By-law, Niagara Region circulated the Surplus Property to departments of the Region, Boards and Agencies, the Township of West Lincoln, School Boards, and the Provincial and Federal governments and no interest has been expressed.

Relationship to Council Strategic Priorities

This disposal of land demonstrates Responsible Growth and Infrastructure Planning, specifically related to Facilitating the Movement of People and Goods (Objective 3.4). Niagara Region originally acquired this property to advocate and support Niagara's transportation projects by providing safe and healthy streets supporting active transportation.

Other Pertinent Reports

- CWCD 139-2020 – Councillor Weekly Correspondence Distribution – May 22, 2020

Prepared by:
Craig Mustard
Real Estate Officer (Acting)
Corporate Services

Recommended by:
Todd Harrison
Commissioner/Treasurer
Corporate Services

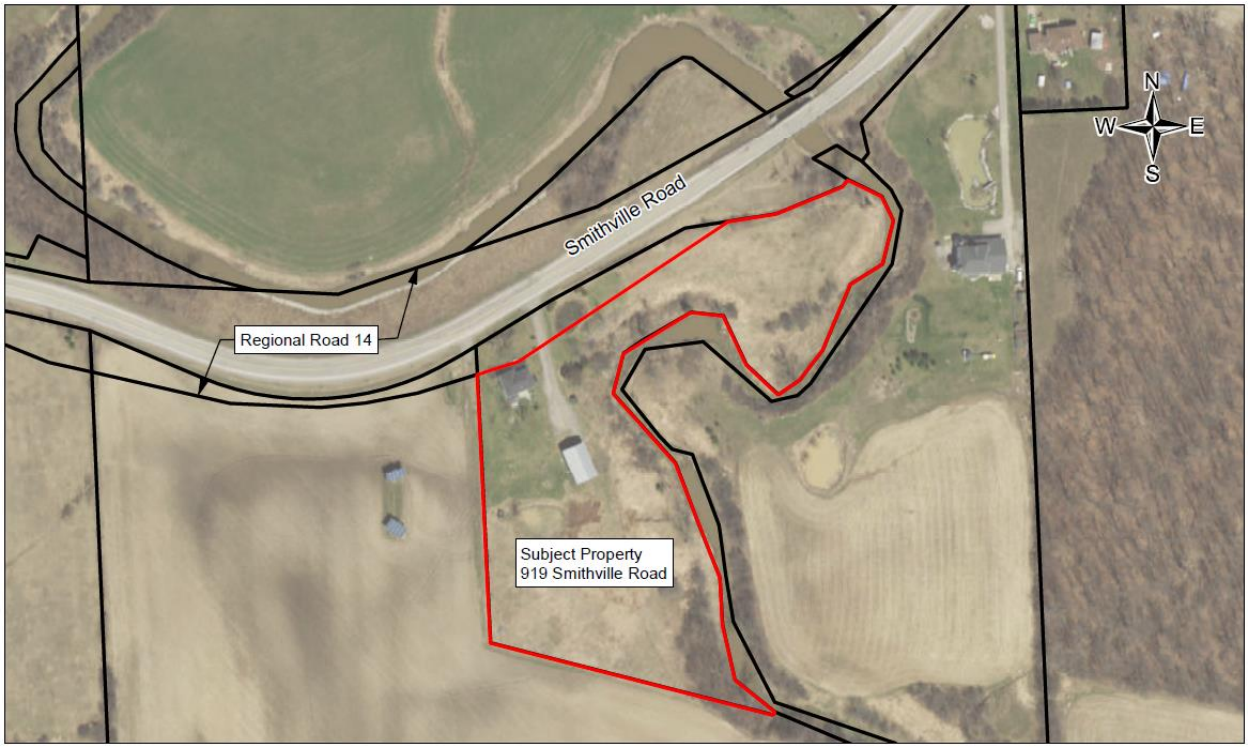
Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Frank Tassone, Associate Director, Transportation Engineering and Carolyn Ryall, Director, Transportation Services and reviewed by Bart Menage, Director, Procurement & Strategic Acquisitions.

Appendices

Appendix 1 The Surplus Property

CSD 48-2020 Appendix 1 – The Surplus Property



Corporate Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM **CSC-C 14-2020**

Subject: COVID-19 Response and Business Continuity in Corporate Services

Date: August 5, 2020

To: Corporate Services Committee

From: Todd Harrison, Commissioner of Corporate Services and Regional Treasurer

Corporate Services delivers efficient and innovative service excellence to external and internal customers in an integrated and timely manner.

During this pandemic, our staff have continued this support function for core businesses within our group and for operating departments. In addition, Corporate Services has provided critical support to the Emergency Operations Committee (EOC).

The following provides an overview of activity that has taken place and a projection of expected service delivery moving forward.

CONSTRUCTION, ENERGY AND FACILITIES MANAGEMENT (CE&FM)

Current Status of Operations

The CE&FM group is divided into two main groups, Construction and Facilities Management. This Team continues to be an essential component of the Region's EOC. Some of the functions performed in this capacity are:

- Maintaining Vine Portal for EOC supply chain requests allowing for increased efficiencies and tracking of delivery;
- Coordinating the sourcing of essential supplies in collaboration with other departments;
- Continuing Operations and Maintenance of all opened facilities including enhanced cleaning protocols to ensure safe working environment for essential staff not working from home;

- Coordinating emergency procurements of PPE and other supplies that are critical to business continuity for essential services;
- Coordinating shipping/receiving and securement of critical supply needs;
- Provides dedicated and secure storage areas to assist LTC pandemic supply requirements;
- Upgrading facilities with social distancing barriers, protective screens;
- Responding to internal client needs for changes in normal operations, special moves and health & safety concerns;
- Providing enhanced security monitoring of sites with reduced and or no staff on site;
- Redeployment of CE&FM staff to support REOC and facilities operations.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

Construction:

- Continue to work with contractors on construction sites for work that resumed as of mid-May (after the 20 day mandatory shut down during April).
- For projects not in construction, staff is proceeding with procurement for projects deemed to be critical to proceed.
- Working with OH&S, determining what physical changes are required to re-open Regional office locations to the public.
- Completed installation of glass/plexi barriers at SAEO Niagara Falls and Welland for public waiting areas.
- Working with communications, developed new Region floor decals and signage for physical distancing. Decals to be installed throughout Region facilities.

Cleaning:

- Staff has extended the current enhanced COVID cleaning requirements for facilities managed by CE&FM and EMS stations for another month and will be renegotiating the contracts to extend for another 6 months. Have also added 2 temporary staff backfilling vacant positions.
- Procured additional cleaning and janitorial supplies to meet divisional and client needs.
- Facilities front-line staff continue to meet enhanced COVID cleaning requirements for internal staff and public safety.
- Addressed multiple emergency workplace disinfection requests following positive COVID findings in the workplace.

Supply Chain and Deliveries

- Dedicated staff to deliver new enhanced screening signage from Public Health.
- Dedicated staff to delivery and reception of all Region Headquarters deliveries to loading dock to limit personnel entry to Region Headquarters.
- Have met all client and divisions support requests for procurement of PPE, hygiene and cleaning supplies.
- Sourced N95 masks for use by emergency and essential region staff. Currently piloting other face masks to be used by region staff when 6' physical distance rule cannot be maintained.

Building Security

- Continue to monitor security and facility access control systems to meet program delivery needs.
- Continue to keep all Region sites functional, safe and secure for eventual return to normal operations.

Housing / Brock University

Continue to manage unit allocations for temporary housing for essential service workers at Brock University - 27 rooms available.

Non-essential maintenance and repair work

With opening up of maintenance and repair work by the Province in early May, continue with critical maintenance repair work and services and any other work required for the efficient building operations.

FINANCIAL MANAGEMENT AND PLANNING (FMP)

Current Status of Operations

As indicated, all of the Corporate Services Departments continue to deliver core services while at the same time perform a significant number of duties to support the Regional EOC.

FMP staff have continued to support core business functions during the pandemic. Some highlights of these actions include:

- Complete the 2019 year end audit;
- Submission to the Province of the 2019 Financial Information Return
- Publication of the 2019 Annual Report
- Develop 2020 tax bylaws and provide required necessary report and bylaws; and
- Work with Public Works to update financial implications of SNF water treatment plant for inclusion in the 2021 budget; and
- Publication of the 2020 Budget Summary
- 2021 budget planning and preparations.
- Successful sale of $34 million in serial debentures ($15.5 million Regional) on July 31 at all time historical low interest rate of 1.43% for 10 years.
- Preparation of 2021 Capital and Operating Budgets timetables and planning report for Council and establishing strategies for budget preparation.

Additionally, FMP has a main role in the Region's EOC as part of the Finance and Administration Unit. Highlights include:

- Development and implementation of procedures for cost reporting and tracking;
- Coordination and collaboration with municipal treasurers of assumptions and information for consolidated financial impact information for advocacy to provincial and federal governments;
- Review of Regional capital projects in light of provincial legislative essential construction business and Regional capacity to complete;
- Implementation of on-line/credit card payments for services such as business licenses, garbage bag tags including direct sales to residents, planning and transportation permits, long term accommodations, etc.;
- Support HR in development of cost tracking system to facilitate staff redeployment to essential services in pandemic including update of EOC costing assumptions at end of second quarter.
- Support HR in establishing process to administer pandemic pay. Finance is leading completion of significant additional reporting requirements for various different Ministry;
- Extensive cash flow and collections analysis and planning in conjunction with local municipalities;
- Analysis and reporting related to Council motion to consider deferral of 2020 water/wastewater budget increases; and
- Preparation of COVID-19 recovery planning documentation and consolidation of corporate plan.

Operational Outlook

1/3/6 months

- Managing Local Area Municipality receivable and payables in accordance with CSD 31-2020.
- Improvements to Cash Flow model tools and processes to support ongoing operations and cash flow implications of municipal COVID concessions.
- Ongoing COVID financial analysis and weekly/monthly impact and cash flow reporting to Council with updates for items impacting 2021 budget to be added.
- Provincially funded Program Financial Audits underway to comply with legislation.
- Second and third quarter financial reporting to Council in accordance with policies.
- Supporting the 2021 Capital and Operating Budgets preparation including establishing new processes to integrate Capital Asset Management Resource Allocation model integration with Capital Financing Strategy.
- Supporting GO implementation, Niagara Regional Transit Governance, Canada Summer Games, Airport Master Plan RFP, sponsorship revenue, sustainability review, Asset Management Planning
- Securing HST advisory services to minimize HST impacts on Canada Summer Games construction costs.
- Ongoing managing of debenture issuance process with consideration to market factors and municipal needs and risk.
- Creation of Development Charge Bylaws RFP.
- Monitoring of Bill 197 and impacts/opportunities regarding the Community Benefit Charge.
- Financial and implementation analysis for HRIS support and alternative models.

PROCUREMENT AND STRATEGIC ACQUISITIONS (PSA)

Current Status of Operations

Similar to other departments within Corporate Services, PSA staff have delivered by supporting core business functions while taking on additional projects to support the Region's EOC.

Highlights of activity during the operational period includes:

- Facilitating new and ongoing procurements culminating in award;
- Realty related works for inflight projects, leases and licenses;
- PeopleSoft Change PO's, Supplier and PCard administration; and
- Sourcing critical PPE and supplies needed for the EOC response to the pandemic.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

The Region's review of essential projects both capital and operational has resulted in a prioritization of formal procurements moving forward. This will continue throughout the pandemic and afterwards.

INFORMATION TECHNOLOGY SERVICES (ITS)

Current Status of Operations

Similar to other departments within Corporate Services, ITS staff have delivered by supporting core business functions while taking on additional established projects to support the Region's EOC.

Highlights of initiatives completed during the pandemic include the following:

- In response to the pandemic, the need to effectively communicate, collaborate and connect with one another has never been greater. IT was able to accelerate the deployment of over 800 new corporate email accounts to all Senior's staff that previously did not have access to a corporate mailbox.
- Continue to implement enhancements to the new online payment processes.
- Assist in the transition of the hardcopy COVID intake form to a digital intake process in Public Health's Profile application.
- Developed and published new public COVID report to include the KPI's for phase 2 reopening.
- Assisted asset management team to develop their CAMRA report for capital project budgeting.

Operational Outlook

1/3/6 months

- Continued support for COVID-19 initiatives while supporting and enabling staff to work from home. Prior to COVID-19 daily average for the number of remote connections was approximately 90 users, current daily average is 1270 users.
- Ongoing updates to the screening questions used by EMS in their tool 'EMS Tools'
- Ongoing COVID-19 data analytics including internal operations supports and external data visualizations - Launched enhanced stats on external website including municipal breakdown.
- Implemented technology and processes to accommodate electronic public participation in Council and Committee meetings.
- Went live with the "Homelessness Reporter" for Community Services that will allow staff to track and monitor homeless in Niagara.
- Automated Public Health EOC status report for daily briefing and Ministry submission.

LEGAL SERVICES

Current Status of Operations

As indicated, all of the Corporate Services Departments continue to deliver core services while at the same time perform a significant number of duties to support the Regional EOC.

The Legal team provides a key role in the Region's EOC. The team has responded to significant number of new provincial legislation and announcements throughout the pandemic period. Highlights of advice provided to EOC:

- Advise on response to construction legislation related to essential services;
- Risk Management advice on building screening and security issues; and
- Various legal advice during pandemic.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

The Legal team continues to provide advice and deliver services to operational departments on core business activities. The team also continues to provide additional support for REOC and Covid-related matters as required with the majority of the team working remotely.

COURT SERVICES

Current Status of Operations

The Court Services team is overseen by the Region's legal department on behalf of the joint board of management, between the Region and area municipalities.

Highlights of operational changes to Court Services:

- Closed to the public.
- Providing service via telephone and email to individuals.
- Also providing onsite service for enforcement agencies related to filing charges.
- Direction from the Ministry of the Attorney General has been received indicating that all in-person matters have been adjourned to September 11, 2020.
- Beginning July 6, judicial pre-trial matters and early resolution guilty pleas began remotely where eligible, before a Justice of the Peace via audio or video conference. The first week of remote matters was a great success as a result of planning efforts by the Court Services Team. Remote processes were easy to navigate by defendants and agents, with 276 out of 300 scheduled early resolution matters being resolved in the first 3 days.
- Awaiting further information re: potential legislative amendments that would increase capacity to complete matters remotely, such as paperless/electronic documents, expanding the use of telephone and video for matters.
- Continued collaboration with Facilities and Corporate Health & Safety to prepare for reopening utilizing the Recovery Secretariat Guidelines which have been provided by the MAG.

Operational Outlook

1/3/6 months

Continue responding to public enquiries and requests from enforcement agencies while awaiting resumption of regular court proceedings.

ASSET MANAGEMENT OFFICE

Current Status of Operations

AMO staff have continued to support core business functions during the pandemic. Some highlights of these actions include:

- Assist Department's with the Risk and Corporate Priority evaluation of the 2021 Capital Budget
- Planning and leading the development and submission to the Province of the 2021 Asset Management Plan in accordance with).Reg 588

Additionally, AMO has redeployed 2 of 5 staff to support the Regional response to Covid-19.

Operational Outlook

1/3/6 months

The Asset Management System development projects that are underway (Priority 0) and those planned in the coming months (Priority 1) are tabled below. These projects are directly related to the requirements of the 2021 Asset Management Plan.

Table 1: Asset Management System development projects

Priority	Service availability by Phase	Project
0	PNM	Region AM delivery structure ID 112
0	PNM	AM program foundations ID 430
0	PNM	CAMRA - Risk Management Framework ID 248
0	M	Develop data analytics capabilities- Microsoft BI ID 530
0	PNM	Develop AM performance management KPIs ID 410
0	PNM	Niagara Region AM working group ID 512
0	PNM	Process for preparing the AM Plan ID 210
1	PNM	Capital planning process ID 262
1	PNM	Enterprise Risk Management Framework ID 249
1	PNM	Develop Asset Registry - hierarchy and relationships ID 242
1	C	Project Resource Estimating - cost model ID 310
1	PNM	2021 AMP ID 630

Notes: PNM: No changes but delivered differently - e.g. working remotely
C: Cancelled pending redeployed/ staff vacancies are filled

Other planned 2020 projects not tabled above, and that have only an indirect bearing on the 2021 Asset Management Plan, or are related to supporting Niagara's local municipalities are also on hold, until redeployed staff return to resume Asset Management activities.

BUSINESS LICENSING

Current Status of Operations

Similar to the other departments in Corporate Services, the Business Licensing unit has continued to operate with core service delivery as well as play a role in the Region's EOC. These activities are identified separately.

Business License

- Revenues were down for March, April and May, however June saw an increase in collections. Revenues are still below annual projections at this time.

- The emergency orders impacted not only the businesses but the employees of those businesses. There may be a reduced employee pool that these businesses may draw from and further impact their business operation.

Provincial Order Enforcement

The provincial government's announcement for stricter enforcement of social distancing and business' temporary closings resulted in an enhanced bylaw enforcement. In cooperation and coordination with local municipalities, the Region's enforcement team has increased its how's of operations to respond to increased complaints.

- Staff have been re-assigned to enforce the Provincial Orders and remain assigned to an evening shift schedule Saturday to Tuesday supported by staff from Tobacco Enforcement. Staff remain assigned to this until further notice or when the orders and state of emergency is lifted; and
- Staff respond to after-hours calls to assist the local response and also monitor the Region's six public open space properties, and ensure Region licensed businesses that are non-essential remain closed.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

The Regional Enforcement Manager will continue to work in cooperation with local municipalities, NRPS and other Regional departments in a coordinated approach to enforcement of the social distancing legislation until the pandemic eases.

The business license bylaw review is ongoing and will likely come before Council after the pandemic eases.

Respectfully submitted and signed by

_____
Todd Harrison, CPA, CMA
Commissioner of Corporate Services and
Regional Treasurer

Corporate Services
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM **CSC-C 13-2020**

Subject: Bill 197 - Changes to the Development Charges and Planning Act (Community Benefit Charge)

Date: August 5, 2020

To: Corporate Services Committee

From: Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer

On July 8, 2020, the Province of Ontario released Bill 197 which amends 17 Acts, including the *Development Charges Act* (DCA) and the *Planning Act* (specifically the pending Community Benefit Charge [CBC] Legislation). The Bill is titled *COVID-19 Economic Recovery Act, 2020* and is currently at its 1st Reading at the time of preparing this memo. Changes may be made after further readings that could impact our comments below. The purpose of this memo is to provide Committee with an update on the changes to the DCA and CBC only. A more comprehensive summary of other Act amendments may be brought forward if warranted based on additional review.

The Region's Development Charge (DC) consultant distributed a preliminary summary of the legislation which has been attached to this memo as Appendix 1. Staff have included below a high-level summary of some of the more significant and positive changes to DC and CBC under the Bill:

- The Regional services (most notably Social Housing) that are currently included in the DC By-law will no longer be included in the new CBC regime as proposed in earlier legislation (Bill 108). Instead, under Bill 197, these Regional services will remain as DC-eligible services.
- Amended to allow a Council of a local municipality only to pass a CBC by-law. Meaning that Niagara Region and other upper-tier municipalities will not pass CBC by-laws. As noted above, under Bill 197, certain services would remain as a Regional DC service and therefore, there is no longer a need for a Regional CBC By-law.
- Removal of the 10% statutory deduction from soft-services under Bill 108 has been maintained meaning that the Region will be permitted inclusion of 100% of the costs of Courts, Growth Related Studies, Long Term Care, Health, EMS, Social Housing,

and Waste Diversion services in the DC By-law where previously they were only 90% recoverable.

The first reading of Bill 197, as it relates to the CBC and the re-introduction of some services as DC-eligible is considered positive based on the initial review that has been undertaken. If passed by the Province in its current form, it will eliminate the need for the Region to engage in the administratively intensive task of completing two background studies/by-laws and maintaining collection practices for two separate growth cost recovery mechanisms.

Respectfully submitted and signed by

_____

Helen Chamberlain, CPA, CA
Director, Financial Management & Planning/Deputy Treasurer

Appendix 1 – Letter to Clients – DC, CBC Changes as of July 8, 2020

July 9, 2020

To Our Development Charge Clients:

Re: COVID-19 Economic Recovery Act, 2020 – Changes to the Development Charges Act and the Planning Act (as per the Community Benefits Charge)

On behalf of our many municipal clients, we are continuing to provide the most up to date information on the proposed changes to the *Development Charges Act* (D.C.A.) and proposed community benefits charges (C.B.C.) under the *Planning Act.* As of yesterday, the Province of Ontario released Bill 197 which amends a number of Acts, including the D.C.A. and the *Planning Act*. This Bill is entitled *COVID-19 Economic Recovery Act, 2020*.

By way of this letter, we are providing a high-level summary of the changes along with a copy of the bill. Subsequently, we will be providing a full evaluation and summary of the D.C. and C.B.C. legislative changes.

1. Changes to D.C.A.

D.C.A. Section Reference	Proposed Changes
2 (4)	**List of eligible D.C. services** Items 1 through 11 were initially introduced by Bill 108. Subsequent refinements through draft regulations added back items 12 through 15 (which have been reaffirmed), and 16 through 20 have been subsequently added. 1. Water supply services, including distribution and treatment services. 2. Waste water services, including sewers and treatment services. 3. Storm water drainage and control services. 4. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be. 5. Electrical power services. 6. Toronto-York subway extension, as defined in subsection 5.1 (1). 7. Transit services other than the Toronto-York subway extension. 8. Waste diversion services. 9. Policing services.

D.C.A. Section Reference	Proposed Changes
	10. Fire protection services. 11. Ambulance services. 12. Services provided by a board within the meaning of the *Public Libraries Act*. 13. Services related to long-term care. 14. Parks and recreation services, but not the acquisition of land for parks. 15. Services related to public health. 16. Child care and early years programs and services within the meaning of Part VI of the *Child Care and Early Years Act, 2014* and any related services. 17. Housing services. 18. Services related to proceedings under the *Provincial Offences Act*, including by-law enforcement services and municipally administered court services. 19. Services related to emergency preparedness. 20. Services related to airports, but only in the Regional Municipality of Waterloo. 21. Additional services as prescribed Note: removal of 10% deduction for soft services under *More Homes, More Choice Act, 2019* has been maintained.
2 (4.1)	**Eligible Services in D.C. vs. C.B.C.** A C.B.C. may be imposed with respect to the services listed above (s. 2 (4)), "provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law."
7	**Classes of Services** Present legislation allows for categories of services to be grouped together into a minimum of two categories (90% and 100% services). The Bill proposes to repeal that and replace it with the four following subsections:

D.C.A. Section Reference	Proposed Changes
	(1) A D.C. by-law may provide for any eligible service or capital cost related to any eligible service to be included in a class, set out in the by-law. (2) A class may be composed of any number or combination of services and may include parts or portions of the eligible services or parts or portions of the capital costs in respect of those services. (3) A D.C. by-law may provide for a class consisting of studies in respect of any eligible service whose capital costs are described in paragraphs 5 and 6 of s. 5 (3) of the D.C.A. (4) A class of service set out in the D.C. by-law is deemed to be a single service with respect to reserve funds, use of monies, and credits. Note: an initial consideration of "class" appears to mean *any* group of services.
9.1	**Transitional Matters with Respect to C.B.C.** Note: in reference to the two provisions below, "specified date" means the day that is two years after the day s. 1 (2) (i.e. eligible services) of Schedule 3 to the *COVID-19 Economic Recovery Act, 2020* comes into force. The Bill provides the following two provisions for transitional matters: • If a D.C. by-law expires before the specified date, the charges related to any services other than the services in paragraphs 1 to 10 (s. 2 (4) identified above) remain in force until the day its repealed, or the municipality passes a C.B.C., or the specified date. • If a D.C. by-law expires on or after the specified date, charges related to non-eligible services remain in effect until the earlier of the date the by-law is repealed, the day the municipality passes a C.B.C. (only applies to local municipality), or the specified date. Note: with respect to the above, the initial time horizon proposed by prior Bills allowed for a one-year transition to a C.B.C. regime, whereas this Bill provides for a two-year transition.

D.C.A. Section Reference	Proposed Changes
26.2	**Transition, Eligible Services** The Bill appears to provide two transitional provisions with respect to eligible services: • For local municipalities, the dates are the earlier of passing a C.B.C. or the "specified date." • For upper-tier municipalities, the date is only the "specified date."

Note: there are additional transitional and housekeeping changes provided which are to be considered when moving to the new regime.

2. Changes to the *Planning Act* regarding Community Benefits Charges (C.B.C.)

The *Planning Act* has been amended to repeal the existing section 37 and replace it with the C.B.C. authority. The following provides a summary of the changes to the C.B.C. legislation as proposed under the *More Homes, More Choice Act, 2019* with reference to specific subsections.

Planning Act Section Reference	Proposed Changes
37 (1)	**Specified date** Has the same meaning as in the changes to the D.C.A. (i.e. two years after this Act comes into force).
37 (2)	**Community Benefits Charge By-law** Amended to allow a Council of a **local municipality** to may pass a C.B.C. by-law for capital costs of facilities, services, and matters required because of development or redevelopment in the area to which the by-law applies.

Planning Act Section Reference	Proposed Changes
37 (4)	**Excluded Development or Redevelopment** A C.B.C. may **not** be imposed on development and/or redevelopment of: • A proposed building or structure with fewer than five storeys at or above ground; • A proposed building or structure with fewer than 10 residential units; • Such types as prescribed. Note: it appears that this provision would eliminate all low- and perhaps medium-density developments from paying a C.B.C. It is unclear how non-residential development would be addressed within these calculations.
37 (5)	**Relationship to D.C.s** A C.B.C. may be imposed with respect to the services listed in s. 2 (4) of the D.C.A. or with respect to parkland or other public recreation purposes, provided that the capital costs that are intended to be funded by the C.B.C. are not a D.C. by-law or parkland dedication. Note: similar to what was provided above (s. 2 (4.1) of the D.C.A.).
37 (12)	**Limitation** Only one C.B.C. by-law may be in effect in a **local municipality** at a time.
(49) to (51)	**Transition, Special Account and Reserve Funds** Generally, for existing reserve funds: <u>Related to D.C. services that will be ineligible</u> • If a C.B.C. is passed, the funds are transferred to the C.B.C. special account; • If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose;

Planning Act Section Reference	Proposed Changes
	• If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account. <u>For reserve funds established under s. 37 of the *Planning Act* (e.g. bonus zoning)</u> • If a C.B.C. is passed, the funds are transferred to the C.B.C. special account; • If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose; • If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account.
(52) and (53)	**Credits under the D.C.A.** If a municipality passes a C.B.C. by-law, any existing D.C. credits a landowner may retain may be used towards payment of that landowner's C.B.C.
37.1	**Transitional Matters** There are a number of transitional matters provided for moving from the current s. 37 to the C.B.C. regime.

As noted above, Watson will be conducting an in-depth analysis regarding the proposed changes which we will share with our municipal clients. We note that there may be further questions and concerns which we may advance to the Province after our detailed review of this Bill and potential regulation(s). We will continue to monitor the legislative changes and keep you informed. Further, there will be opportunities for municipalities to provide comments and/or written submissions through the provincial process.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Gary D. Scandlan, BA, PLE
Director

Andrew Grunda, MBA, CPA, CMA
Principal

Appendix A

Bill 197: COVID-19 Economic Recovery Act, 2020

Legislative Assembly of Ontario

Assemblée législative de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 197

An Act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statutes

The Hon. S. Clark
Minister of Municipal Affairs and Housing

Government Bill

1st Reading	July 8, 2020
2nd Reading	
3rd Reading	
Royal Assent	

EXPLANATORY NOTE

SCHEDULE 1
BUILDING CODE ACT, 1992

The Schedule amends several provisions of the *Building Code Act, 1992* to change regulation-making authority from the Lieutenant Governor in Council to the Minister of Municipal Affairs and Housing. It also clarifies the scope of certain regulation-making authorities, including the authority to make regulations by adopting certain documents by reference.

SCHEDULE 2
CITY OF TORONTO ACT, 2006

The Schedule amends several provisions of the *City of Toronto Act, 2006* to allow the procedure by-law to provide for electronic participation in meetings and to provide for proxy voting.

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997*. The amendments repeal and replace certain amendments made by the *More Homes, More Choice Act, 2019* that are not yet in force and make changes to other provisions that were enacted in that Act. Elements of those amendments are retained, but the following changes and additions are made.

The list of services in subsection 2 (4) of the Act for which a development charge can be imposed is expanded from the list that was included in the *More Homes, More Choice Act, 2019*. A new subsection 2 (4.1) sets out the relationship between development charges and the community benefits charges that can be imposed by by-law under the *Planning Act*.

Section 7 of the Act currently provides for services to be grouped into categories within a development charge by-law. The Schedule repeals and replaces section 7 to provide for services to be included in classes which can be composed of any number or combination of services, including parts or portions of the services listed in subsection 2 (4) of the Act or parts or portions of the capital costs listed in subsection 5 (3) in respect of those services. A class set out in a by-law is deemed to be a single service for the purposes of the Act in relation to reserve funds, the use of money from reserve funds and credits.

Transitional rules that were added as section 9.1 of the Act by the *More Homes, More Choice Act, 2019* with respect to the duration of development charge by-laws are repealed and replaced. Related changes are made to transitional rules in section 26.2 of the Act with respect to the determination of the amount of a development charge.

A new section 33.1 provides transitional rules with respect to reserve funds established by upper-tier municipalities for services for which a development charge can no longer be imposed.

Regulation-making powers are added with respect to transitional matters.

SCHEDULE 4
DRAINAGE ACT

The Schedule amends the *Drainage Act*. The majority of the amendments relate to the service of documents and to the processes involved in amending engineers' reports, approving improvement projects and requesting environmental appraisals.

Other technical amendments are made.

SCHEDULE 5
EDUCATION ACT

The *Education Act* is amended in respect of various issues.

An amendment is made to remove the requirement that directors of education must be supervisory officers that are qualified as teachers. The Act is also amended to provide that if regulations prescribe qualifications for directors of education, boards shall not appoint or employ a person as a director of education unless the person holds those qualifications. Related amendments are made to regulation-making powers under the Act.

The Act is amended to provide that the Minister may, in response to the outbreak of the coronavirus (COVID-19), operate one or more demonstration schools for exceptional pupils in either a residential or non-residential setting for the 2020-2021 school year.

Sections 185 and 188 of the Act are amended to allow persons, other than parents or guardians of pupils or prescribed persons, to be prescribed for the purpose of providing written notice to a board that a pupil or prescribed person intends to attend a prescribed school under section 185 or a school of the board under section 188, as the case may be. Sections 185 and 188 are also amended to add regulation-making powers relating to prescribing the persons who may provide notice, governing the conditions under which that notice may be provided by such persons and authorizing the collection of personal information in the process of providing that notice.

Finally, the Act is amended to authorize regulations providing that pupils in specified grades of elementary school shall not be suspended, or that such suspensions may only occur in the prescribed circumstances. Related amendments are made.

SCHEDULE 6
ENVIRONMENTAL ASSESSMENT ACT

The Schedule amends the *Environmental Assessment Act* in order to modernize environmental assessment requirements under the Act. The amendments in the Schedule will come into force in three phases in order to transition gradually to a more modern approach to environmental assessments. The most significant amendments are outlined below.

Currently the Act applies to enterprises and activities and proposals, plans and programs in respect of those enterprises and activities, both public and private, that are set out in section 3 and referred to in the Act as undertakings. This approach has required that many undertakings be exempted from the Act by regulation, by order or otherwise under the Act. The amendments remove references to undertakings from the Act and give the Lieutenant Governor in Council the power to make regulations designating enterprises and activities, and proposals, plans and programs in respect of enterprises and activities, as projects to which the Act applies. Environmental assessments will only be required for projects that are designated. The projects could be designated as Part II.3 projects or Part II.4 projects.

The amendments repeal Parts II and II.1 of the Act and replace them with Parts II.3 and II.4. Currently, Part II of the Act requires persons to obtain the approval of the Minister or of the Tribunal before proceeding with an undertaking. The Part outlines the environmental assessment process that the person must complete in order to obtain the approval. The new Part II.3 continues the requirements and environmental assessment process that applied to undertakings under Part II so that they apply, with some modifications, to Part II.3 projects. An undertaking that was approved by the Minister under Part II is deemed to be a Part II.3 project when that Part comes into force.

The existing Part II.1 allows a person to obtain the approval of the Minister or the Tribunal for a class environmental assessment in respect of a class of undertakings. The proponents of undertakings under an approved class environmental assessment are entitled to follow an environmental assessment process described in the approval that is less onerous than the Part II process. As of the day the Bill receives Royal Assent, no further class environmental assessments will be approved. When Part II.4 is eventually proclaimed into force, it will replace the approved class environmental assessments under Part II.1 with a streamlined environmental assessment process that will be set out in the regulations. The streamlined environmental assessments will apply to projects that are designated as Part II.4 projects. The 10 approved class environmental assessments that currently exist shall continue to apply to undertakings in each class until all 10 are revoked and replaced, where appropriate, by regulations designating Part II.4 projects and setting out the prescribed requirements, including the streamlined environmental assessment, for those projects.

Section 16 of Part II.1 currently allows the Minister to make orders with respect to undertakings under an approved class environmental assessment to require the proponents of such undertakings to comply with the environmental assessment process in Part II instead of following the approved class environmental assessment. The Minister may also, by order, impose conditions on such undertakings. The amendments limit the Minister's authority to make orders on the Minister's own initiative to a time period determined in accordance with new section 16.1. This new time limit will take effect when the Bill receives Royal Assent.

When Part II.4 comes into force, new section 17.31 will give the Minister the power to make orders with respect to Part II.4 projects that are similar to orders made under section 16 with respect to undertakings in approved class environmental assessments. Under section 17.31, the Minister may make an order declaring Part II.4 projects to be Part II.3 projects and thus requiring proponents of Part II.4 projects to comply with the environmental assessment process in Part II.3 instead of the streamlined environmental assessment set out in the regulations. The Minister will also have the ability to make orders imposing requirements on Part II.4 projects. The Minister's power to make orders under section 17.31 on his or her own initiative will be subject to time limits set out in the regulations.

Other important amendments to the *Environmental Assessment Act* include the following:

1. New section 2.1 is a non-derogation provision to preserve existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.
2. New section 6.0.1 in Part II requires a proponent of an undertaking to establish a landfilling site to obtain municipal support for the undertaking in accordance with that section. An equivalent section is included in Part II.3 with respect to projects to establish landfilling sites.
3. Section 9 is amended to allow the Minister to include in the approval of an undertaking a process governing changes that may be made to the undertaking after the approval is given. These amendments are reflected in Part II.3 with respect to the approval of Part II.3 projects.
4. New section 11.5 in Part II provides a 10-year expiry date for approvals that were given before the section comes into force if they did not specify an expiry date. The Minister is given the power to exempt undertakings from this section by regulation. An equivalent section is included in Part II.3 with respect to Part II.3 projects.
5. Part II.2, which currently deals with undertakings to dispose of waste proposed or carried out by municipalities, is repealed.
6. Many amendments to various provisions throughout the Act are required to transition from environmental assessments of undertakings under Parts II and II.1 to environmental assessments of designated projects under Parts II.3 and II.4. A

new Part V.1 is enacted to provide for various transitional matters. It includes new regulation-making powers in respect of transitional matters.

7. The regulation-making powers under Part VI are amended. New regulation-making powers governing Part II.4 projects are included.

The Schedule includes consequential amendments to several other Acts.

SCHEDULE 7
FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

The *Farm Registration and Farm Organizations Funding Act, 1993* is amended. The amendments relate to the following matters:

1. The process by which a person who has been denied a farming business registration number may appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal.
2. The eligibility of a francophone organization to continue to receive special funding under the Act.
3. The power to make regulations governing how documents are to be given or served under the Act.

SCHEDULE 8
JUSTICES OF THE PEACE ACT

The Schedule amends the *Justices of the Peace Act*. The major elements are set out below.

The Act is amended with respect to the composition and functions of the Justices of the Peace Appointments Advisory Committee. The qualifications that are currently in section 2.1 of the Act are moved to section 2 of the Act. The composition of the Committee is changed to have three core members and fewer regional members. Certain records and other information collected, prepared, maintained or used by the Committee are to be kept in confidence. The amendment to section 2 of the Act requires the Attorney General to keep information in relation to the appointment or consideration of an individual as a justice of the peace confidential. The Committee is required to include statistics about the sex, gender, race and other characteristics of all candidates who volunteer that information in its annual report.

The functions of the Committee are amended. The Committee shall continue to classify all candidates for a justice of the peace position, although the wording of the classification has changed to "Not Recommended", "Recommended" and "Highly Recommended". The Committee submits a list of all candidates and their classifications to the Attorney General. The Attorney General may only recommend a candidate who has been classified as "Recommended" or "Highly Recommended" to fill a justice of the peace position.

The Attorney General may reject the Committee's recommendations and require that a new list be prepared.

The Attorney General may recommend criteria to be included in the criteria the Committee establishes for the advertising, review and evaluation process.

New section 2.3 deals with transition issues. It authorizes the Attorney General to terminate the appointment of members of the Committee for the purpose of transitioning the Committee's composition to the new composition specified in the re-enacted section 2.1. It limits compensation and damages and bars certain causes of action and proceedings.

SCHEDULE 9
MARRIAGE ACT

Currently, the *Marriage Act* provides that a marriage licence is valid for three months. The Schedule amends the Act to provide that if the three-month validity period includes a period in which there is an emergency declared throughout Ontario, the licence remains valid throughout the period of emergency and until 24 months after the emergency ends, if particular conditions are met.

SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

The Schedule adds section 12 to the *Ministry of Municipal Affairs and Housing Act*. Section 12 establishes the Provincial Land and Development Facilitator. Section 12 also sets out the functions of the Facilitator. The Facilitator shall, at the direction of the Minister, advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests. The Facilitator shall perform such other functions as the Minister may specify.

SCHEDULE 11
MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

The Schedule enacts the *Modernizing Ontario for People and Businesses Act, 2020* and repeals the *Burden Reduction Reporting Act, 2014* and the *Reducing Regulatory Costs for Business Act, 2017*. The new Act enacts many of the provisions currently in the *Burden Reduction Reporting Act, 2014* and the *Reducing Regulatory Costs for Business Act, 2017*. The most significant

difference is that the requirements under the *Reducing Regulatory Costs for Business Act, 2017* relating to regulations would also apply to draft bills under the new Act.

The Act provides various measures in the interest of reducing regulatory costs for business.

When certain instruments governed by the Act are made or approved and have the effect of creating or increasing administrative costs to business, an offset must be made within a prescribed time.

An analysis that assesses the potential impact of what is proposed must be conducted where instruments governed by the Act are made or approved, and the analysis must be published.

When developing instruments governed by the Act, every minister shall have regard to various principles such as adopting recognized standards; applying less onerous requirements on small businesses; providing digital services to stakeholders and reducing unnecessary reporting.

Businesses required to provide documents to ministries as a result of an instrument will have the option to transmit those documents electronically.

Businesses that demonstrate excellent compliance with regulatory requirements are to be recognized by the Government.

The Minister is required to publish an annual report with respect to actions taken by the Government of Ontario to reduce burdens.

SCHEDULE 12
MUNICIPAL ACT, 2001

The Schedule amends several provisions of the *Municipal Act, 2001* to allow the procedure by-law to provide for electronic participation in meetings and to provide for proxy voting.

SCHEDULE 13
OCCUPATIONAL HEALTH AND SAFETY ACT

Currently, subsection 70 (2) of the *Occupational Health and Safety Act* includes the authority to make regulations that adopt by reference certain codes, standards, criteria and guides. An amendment is made to provide that the power to adopt codes, standards, criteria and guides includes the power to adopt them as they may be amended from time to time.

SCHEDULE 14
ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY ACT

The Schedule amends the *Ontario Educational Communications Authority Act* to provide that its objects include supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities and discharging any prescribed duties. Related regulation-making powers are added.

SCHEDULE 15
ONTARIO FRENCH-LANGUAGE EDUCATIONAL COMMUNICATIONS AUTHORITY ACT, 2008

The Schedule amends the *Ontario French-language Educational Communications Authority Act, 2008* to provide that its objects include supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities and discharging any prescribed duties. Related regulation-making powers are added.

SCHEDULE 16
PAYDAY LOANS ACT, 2008

The Schedule amends the *Payday Loans Act, 2008* to add section 32.1. Section 32.1 sets a maximum interest rate of 2.5 per cent per month (not to be compounded) on the outstanding principal under a payday loan agreement if the advance under the agreement is $1,500 or less and the term of the agreement is 62 days or less. The amount of the advance and the term of the agreement required for section 32.1 to apply can be changed by regulation, as can the maximum interest rate that may be charged.

Section 33 of the Act is also amended so that, unless the regulations provide otherwise, a fee no greater than $25 may be charged for a dishonoured cheque, pre-authorized debit or other instrument of payment. A lender cannot impose such a fee more than once with respect to each payday loan agreement.

The Schedule also adds subsection 44 (1.1) to the Act, which provides that a payment referred to in subsection 44 (1) includes interest or a default charge received by a licensee from a borrower to which the licensee is not entitled under the Act or that the borrower is not liable to pay under the Act.

SCHEDULE 17
PLANNING ACT

The Schedule amends the *Planning Act*.

Amendments related to community benefits charges

Amendments in the Schedule repeal and replace certain amendments made by the *More Homes, More Choice Act, 2019* and the *Plan to Build Ontario Together Act, 2019* that are not yet in force. Elements of those amendments are retained, other elements are changed and new elements are added.

Sections 37 and 37.1 of the Act are replaced. The re-enacted section 37 permits the council of a local municipality to impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. Subsection 37 (4) provides that a community benefits charge may not be imposed with respect to development or redevelopment of fewer than 10 residential units or in respect of buildings or structures with fewer than five storeys.

Subsection 37 (5) sets out the relationship between community benefits charges and the development charges that can be imposed by by-law under the *Development Charges Act, 1997* and those that can be funded from the special account used for the acquisition of land to be used for park or other public recreational purposes.

Other provisions in the re-enacted section 37 continue to set out various procedural matters related to the making of a community benefits charge by-law, the process for appealing the by-law to the Local Planning Appeal Tribunal and the resolution of disputes in cases where the landowner is of the view that the charge exceeds the maximum allowable charge.

Transitional matters continue to be provided for, both in the re-enacted section 37 and in the re-enacted section 37.1.

Section 42 of the Act is amended with respect to the alternative parkland rate that can be imposed by by-law. The amendments set out various procedural matters related to the passing of a by-law with respect to the alternative parkland rate and the process for appealing the by-law to the Local Planning Appeal Tribunal. Limitations are imposed with respect to the powers of the Local Planning Appeal Tribunal on an appeal of a by-law under section 42. Rules are included with respect to refunds after a successful appeal.

Amendments related to Minister's zoning orders

Currently, under section 47 of the *Planning Act*, the Minister may make orders exercising zoning powers. The Schedule amends section 47 of the Act to give the Minister enhanced order-making powers relating to specified land. "Specified land" is defined as land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005* (which includes areas covered by the Oak Ridges Moraine Conservation Plan, areas covered by the Niagara Escarpment Plan and areas described in the regulations made under the *Greenbelt Act, 2005*).

The enhanced order-making powers include powers in relation to site plan control and inclusionary zoning. Among other things, this provides the Minister with the ability to require the inclusion of affordable housing units in the development or redevelopment of specified lands, buildings or structures.

Also, among other things, a Minister's order relating to specified land may require that the owner of the specified land enter into an agreement with the relevant municipality respecting specified matters related to development on the land and conditions required for the approval of plans and drawings in a site plan control area. The amendments provide that the Minister may give direction to the parties concerning the agreement. An agreement is of no effect to the extent that it does not comply with the Minister's direction, whether the Minister's direction is given before or after the agreement has been entered into.

SCHEDULE 18
PROVINCIAL OFFENCES ACT

The Schedule makes various amendments, including the following amendments, to the *Provincial Offences Act*.

Under section 5 of the Act, a notice of intention to appear that is included in an offence notice is in some cases required to be filed in person. The section is amended in the first instance to permit notices of intention to appear to be given by mail or in another manner. Subsequent amendments to the section remove reference to a requirement to file a notice of intention to appear in person.

Section 5.1 of the Act is amended so that if an offence notice indicates that an option of a meeting with the prosecutor to discuss the resolution of the offence is available, the meeting may be held by electronic method under section 83.1 of the Act. In particular, the amendments remove a precondition to a meeting by electronic method that either the defendant or the prosecutor be unable to attend the meeting because of remoteness. Complementary amendments are made to section 11 of the Act.

Section 17.1 of the Act applies if a parking infraction notice requires a notice of intention to appear to be filed in person. Amendments are made to the section to permit the filing requirement to be met without personal attendance. Similarly, section 18.1.1 of the Act applies if a notice of impending conviction requires a notice of intention to appear to be filed in person, and amendments are made to that section to permit the filing requirement to be met without personal attendance.

Section 26 of the Act is amended to permit the Lieutenant Governor in Council to make regulations specifying additional methods by which a summons may be served by a provincial offences officer.

Section 45 of the Act is amended to add additional criteria to be met before a court can accept a plea of guilty from a defendant who is making the plea by electronic method under section 83.1 of the Act.

Section 83.1 of the Act is re-enacted in order to expand the circumstances in which a person may participate in a proceeding under the Act, or in a step in a proceeding, by electronic method, as defined in that section.

Section 158.1 of the Act is amended to replace telewarrants — an information given by a means of telecommunication that produces a writing — with electronic warrants, to reflect other electronic communication technologies.

Finally, the French versions of various provisions of the Act are amended to update terminology and correct errors.

SCHEDULE 19
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT

The Schedule eliminates hearings of necessity for expropriations of property under the Act and provides that the Minister may establish a process for receiving comments from property owners about such expropriations.

SCHEDULE 20
TRANSIT-ORIENTED COMMUNITIES ACT, 2020

The Schedule enacts a new *Transit-Oriented Communities Act, 2020*, which also amends the *Ministry of Infrastructure Act, 2011*.

Transit-Oriented Communities Act, 2020

The *Transit-Oriented Communities Act, 2020* permits the Lieutenant Governor in Council to designate land as transit-oriented community land if specified conditions apply. The Act defines "transit-oriented community project" for the purpose.

The Act provides that if land, any part of which is transit-oriented community land, is expropriated in specified circumstances, a related hearings process under the *Expropriations Act* does not apply in relation to the expropriation. The Act permits the establishment of a process for receiving and considering comments from property owners respecting a proposed expropriation of such land.

Ministry of Infrastructure Act, 2011

The *Ministry of Infrastructure Act, 2011* is amended to permit the Minister to make investments supporting or developing transit-oriented community projects related to priority transit projects.

Bill 197 **2020**

An Act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statutes

CONTENTS

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *COVID-19 Economic Recovery Act, 2020*.

SCHEDULE 1
BUILDING CODE ACT, 1992

1 The French version of subsection 4.1 (3) of the *Building Code Act, 1992* is amended by striking out "assortir celle-ci" and substituting "assortir la delegation".

2 Subsection 7 (1) of the Act is amended by striking out "Lieutenant Governor in Council" in the portion before clause (a) and substituting "Minister".

3 (1) Section 34 of the Act is amended by adding the following subsection:

Regulations

(0.1) The Minister may make such regulations as are desirable governing standards for the construction and demolition of buildings.

(2) Subsection 34 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Same

(1) Without limiting the generality of subsection (0.1), the Minister may make regulations,

. . . . .

(3) Paragraph 9 of subsection 34 (1) of the Act is repealed.

(4) Section 34 of the Act is amended by adding the following subsection:

Adoption by reference

(1.1) The Minister may make regulations adopting by reference any of the following documents, in whole or in part, with such changes as the Minister considers necessary, and requiring compliance with any provision of a document so adopted:

1. The National Building Code of Canada 2015, the National Plumbing Code of Canada 2015, the National Energy Code of Canada for Buildings 2017, the National Farm Building Code of Canada 1995 or any subsequent versions of those codes.
2. A code, formula, standard, guideline, protocol or procedure that requires any part of the construction of a building to be designed by an architect or a professional engineer or a combination of both.
3. Any other code, formula, standard, guideline, protocol or procedure.

(5) Subsections 34 (2) to (2.3) of the Act are amended by striking out "Lieutenant Governor in Council" wherever it appears and substituting in each case "Minister".

(6) Clause 34 (2) (a) of the Act is amended by striking out "subsection (1)" and substituting "subsections (0.1) and (1)".

Commencement

4 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 2
CITY OF TORONTO ACT, 2006

1 (1) Subsection 189 (4) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Electronic participation

(4) The applicable procedure by-law may provide that a member of city council, of a local board of the City or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(2) Subsection 189 (4.1) of the Act is repealed.

(3) Subsection 189 (4.2) of the Act is repealed and the following substituted:

Same

(4.2) The applicable procedure by-law may provide that,

(a) a member of city council, of a local board of the City or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and

(b) a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

(4) Subsection 189 (4.3) of the Act is repealed and the following substituted:

Same, procedure by-law

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2).

(4.3.1) A member participating electronically in such a special meeting described in subsection (4.3) may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 The Act is amended by adding the following section:

Proxy votes

194.1 (1) The procedure by-law passed under section 189 may provide that, in accordance with a process to be established by the clerk, a member of city council may appoint another member of city council as a proxy to act in their place when they are absent.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of city council to act as a proxy under subsection (1):

1. A member shall not act as a proxy for more than one member of city council at any one time.
2. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
3. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
4. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
5. Where a recorded vote is requested under subsection 194 (4), the clerk shall record the name of each proxyholder, the name of the member of city council for whom the proxyholder is voting and the vote cast on behalf of that member.
6. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 204 (1) (c).

Pecuniary interest

(3) A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

Same, pre-meeting discovery

(4) If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

(a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and

(b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

Same, post-meeting discovery

(5) For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

Conflict etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

1 (1) Subsection 2 (3) of the *Development Charges Act, 1997* is repealed and the following substituted:

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

(a) permit the enlargement of an existing dwelling unit; or

(b) permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.

Exemption for second dwelling units in new residential buildings

(3.1) The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.

(2) Subsection 2 (4) of the Act is repealed and the following substituted:

What services can be charged for

(4) A development charge by-law may impose development charges to pay for increased capital costs required because of increased needs for the following services only:

1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.
3. Storm water drainage and control services.
4. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.
5. Electrical power services.
6. Toronto-York subway extension, as defined in subsection 5.1 (1).
7. Transit services other than the Toronto-York subway extension.
8. Waste diversion services.
9. Policing services.
10. Fire protection services.
11. Ambulance services.
12. Services provided by a board within the meaning of the *Public Libraries Act*.
13. Services related to long-term care.
14. Parks and recreation services, but not the acquisition of land for parks.
15. Services related to public health.
16. Child care and early years programs and services within the meaning of Part VI of the *Child Care and Early Years Act, 2014* and any related services.
17. Housing services.
18. Services related to proceedings under the *Provincial Offences Act*, including by-law enforcement services and municipally administered court services.
19. Services related to emergency preparedness.
20. Services related to airports, but only in the Regional Municipality of Waterloo.
21. Additional services as prescribed.

Development charge — relationship to community benefits charge

(4.1) For greater certainty, nothing in this Act prevents a community benefits charge under section 37 of the *Planning Act* from being imposed with respect to the services listed in subsection (4), provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law.

2 Subparagraph 4 iii of subsection 5 (3) of the Act is amended by striking out "library board as defined in the *Public Libraries Act*" and substituting "board within the meaning of the *Public Libraries Act*".

3 Section 7 of the Act is repealed and the following substituted:

Class of services

7 (1) A development charge by-law may provide for any service listed in subsection 2 (4) or the capital costs listed in subsection 5 (3) in respect of those services to be included in a class set out in the by-law.

Composition of class

(2) A class may be composed of any number or combination of services and may include parts or portions of the services listed in subsection 2 (4) or parts or portions of the capital costs listed in subsection 5 (3) in respect of those services.

Studies

(3) For greater certainty, a development charge by-law may provide for a class consisting of studies in respect of any service listed in subsection 2 (4) whose capital costs are described in paragraphs 5 and 6 of subsection 5 (3).

Effect of class

(4) A class of service set out in a development charge by-law is deemed to be a single service for the purposes of this Act in relation to reserve funds, the use of money from reserve funds and credits.

4 Section 9.1 of the Act is repealed and the following substituted:

Same, transitional matters

9.1 (1) In this section,

"specified date" means the day that is two years after the day subsection 1 (2) of Schedule 3 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

By-law — expiry before specified date

(2) Despite subsections 2 (4) and 9 (1), a development charge by-law that would expire on or after May 2, 2019 and before the specified date remains in force as it relates to any service other than the services described in paragraphs 1 to 10 of subsection 2 (4) until the earliest of,

(a) the day it is repealed;

(b) the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*; and

(c) the specified date.

By-law — expiry on or after specified date

(3) If a development charge by-law would expire on or after the specified date, the following rules apply in respect of the by-law as it relates to any service other than the services described in paragraphs 1 to 20 of subsection 2 (4):

1. Despite subsection 2 (4), the by-law continues to apply, even as it relates to the service, until the earliest of the days described in paragraph 2.
2. The days referred to in paragraph 1 are the following:
    i. The day the by-law is repealed.
    ii. In the case of a development charge by-law of a local municipality, the earlier of,
        A. the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*; or
        B. the specified date.
    iii. In the case of a development charge by-law of an upper-tier municipality, the specified date.
3. The by-law is deemed to have expired, as it relates to the service, on the earliest of the dates mentioned in paragraph 2.

Services prescribed under para. 21 of subs. 2 (4)

(4) Subsection (3) does not apply in respect of the by-law as it relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) if the service is prescribed before the day referred to in subparagraph 2 ii or iii of subsection (3), as the case may be.

5 Subsection 9.2 (3) of the Act is amended by striking out "9.1 (1) or (2)" and substituting "9.1 (2)".

6 The English version of subsection 18 (3) of the Act is amended by striking out "the time" wherever it appears and substituting in each case "the day".

7 The English version of subsection 25 (2) of the Act is amended by striking out "the time" wherever it appears and substituting in each case "the day".

8 Section 26.2 of the Act is amended by adding the following subsections:

Transition, eligible services

(6.1) Beginning on the day described in subsection (6.2), the total amount of a municipality's development charge for the purposes of subsection (1) shall not include the amount of a development charge in respect of a service unless the service is listed in subsection 2 (4).

Same

(6.2) The day referred to in subsection (6.1) is,

(a) in the case of a local municipality, the earlier of,

(i) the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*, and

(ii) the specified date for the purposes of section 9.1; and

(b) in the case of an upper-tier municipality, the specified date for the purposes of section 9.1.

9 The Act is amended by adding the following section:

Reserve funds — transition, upper-tier municipalities

33.1 (1) This section applies with respect to a reserve fund established by an upper-tier municipality in accordance with section 33 before the day subsection 1 (2) of Schedule 3 to the *COVID-19 Economic Recovery Act, 2020* comes into force for any services other than those described in paragraphs 1 to 20 of subsection 2 (4).

Non-application, reserve fund re services prescribed under para. 21 of subs. 2 (4)

(2) Despite subsection (1), this section does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) if the service is prescribed before the specified date for the purposes of section 9.1.

Deemed general capital reserve

(3) The following rules apply with respect to a reserve fund to which this section applies:

1. On the specified date for the purposes of section 9.1, the reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the reserve fund was collected.
2. Despite paragraph 1, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 1.

10 Clause 60 (1) (c) of the Act is repealed and the following substituted:

(c) clarifying or defining terms used in subsection 2 (4) that are not already defined in or under this Act;

(c.1) prescribing services for the purposes of paragraph 21 of subsection 2 (4);

(c.2) governing transitional matters arising from additional services being prescribed under clause (c.1);

11 Section 60.1 of the Act is amended by adding the following clauses:

(c) setting out transitional rules dealing with matters not specifically dealt with in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*;

(d) clarifying the transitional rules set out in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*.

AMENDMENTS TO OTHER ACT

More Homes, More Choice Act, 2019

12 Section 2, subsection 3 (3), section 4 and subsections 5 (2) and (3), 8 (2) and 13 (3) of Schedule 3 to the *More Homes, More Choice Act, 2019* are repealed.

COMMENCEMENT

Commencement

13 (1) Subject to subsection (2), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Sections 1 to 11 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4
DRAINAGE ACT

1 (1) The definition of "Minister" in section 1 of the *Drainage Act* is repealed and the following substituted:

"Minister" means the Minister of Agriculture, Food and Rural Affairs or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; ("ministre")

(2) Section 1 of the Act is amended by adding the following definitions:

"prescribed" means prescribed by the regulations; ("prescrit")

"regulations" means the regulations made under this Act; ("règlements")

2 Clause 5 (1) (b) of the Act is repealed and the following substituted:

(b) if it decides to proceed with the drainage works, send notice of the petition and of its decision to the prescribed persons.

3 Subsection 6 (1) of the Act is repealed and the following substituted:

Notice that environmental appraisal is required

(1) A person who is prescribed by the regulations and who has received notice of the petition under clause 5 (1) (b) may, within 30 days after receiving the notice, send to the council of the initiating municipality a notice that an environmental appraisal of the effects of the drainage works on the area is required.

Cost

(1.1) The cost of an environmental appraisal required under subsection (1) shall be paid by the person who sends the notice requiring it.

4 Clause 8 (1) (e) of the Act is amended by adding "prescribed or" before "provided".

5 (1) Subsection 10 (2) of the Act is repealed and the following substituted:

Consideration of report

(2) Upon the filing of the preliminary report, the council of the initiating municipality shall cause the clerk to send the prescribed persons a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered.

(2) Subsection 10 (7) of the Act is amended by striking out "clause (2) (a), (b) or (c)" and substituting "subsection (2)".

(3) Subsection 10 (8) of the Act is repealed and the following substituted:

Referral to Tribunal

(8) The following persons may refer the environmental appraisal to the Tribunal:

1. If lands used for agricultural purposes are included in the area to be drained, the Minister.
2. In any other case, the prescribed persons.

6 Subsection 41 (1) of the Act is repealed and the following substituted:

Notice of drainage works

(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within 30 days after the filing of the report, cause the clerk of the initiating municipality to send the prescribed persons a copy of the report and a notice stating,

(a) the date on which the report was filed;

(b) the name or other designation of the drainage works; and

(c) the date of the council meeting at which the report will be considered.

7 Subsection 58 (4) of the Act is repealed.

8 Section 77 of the Act is repealed.

9 (1) Subsection 78 (1) of the Act is amended by striking out "projects listed in subsection (1.1)" and substituting "major improvement projects listed in subsection (1.1)".

(2) Subsection 78 (1.1) of the Act is amended by striking out "projects" in the portion before paragraph 1 and substituting "major improvement projects".

(3) Paragraph 5 of subsection 78 (1.1) of the Act is repealed and the following substituted:

5. Extending the drainage works to an outlet.

5.1 Improving or altering the drainage works if the drainage works is located on more than one property.

(4) Subsection 78 (1.1) of the Act is amended by adding the following paragraph:

8. Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

(5) Subsection 78 (2) of the Act is repealed and the following substituted:

Notice

(2) An engineer shall not be appointed under subsection (1) until 30 days after a notice has been sent to the following persons advising them of the municipality's intent to undertake the major improvement project:

1. The secretary-treasurer of each conservation authority that has jurisdiction over any lands that would be affected by the project.
2. The prescribed persons.

(6) Section 78 of the Act is amended by adding the following subsection:

Minor improvements to drainage works

(5) Despite subsections (2) to (4), the Minister may prescribe the process for approving minor improvements to a drainage works mentioned in paragraph 8 of subsection (1.1).

10 The Act is amended by adding the following section:

AMENDMENTS TO ENGINEER'S REPORT

Amendments to engineer's report

84.1 (1) This section applies with respect to engineer's reports that are prepared for the purpose of a petition under section 4 or for the purpose of section 78 and that are adopted by a municipal by-law.

Approval process

(2) The Minister may, by regulation, set out the process by which the engineer's report may be amended and the process by which those amendments are to be approved.

11 Section 105 of the Act is amended by striking out "constables".

12 (1) Section 125 of the Act is amended by adding the following clause:

(c) prescribing any matter this Act describes as being prescribed or dealt with in the regulations.

(2) Section 125 of the Act is amended by adding the following subsections:

Adoption of guidelines, etc.

(2) A regulation may adopt by reference, in whole or in part, with the changes that the Minister considers necessary, any guideline, protocol or procedure, including a guideline, protocol or procedure established by the Minister, and may require compliance with any guideline, protocol or procedure so adopted.

Amendments to guidelines, etc.

(3) The power to adopt by reference and require compliance with a guideline, protocol or procedure in subsection (2) includes the power to adopt a guideline, protocol or procedure as it may be amended from time to time.

When effective

(4) The adoption of an amendment to a guideline, protocol or procedure that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in *The Ontario Gazette* or in the registry under the *Environmental Bill of Rights, 1993*.

Commencement

13 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 5
EDUCATION ACT

1 Paragraph 26 of subsection 11 (1) of the *Education Act* is repealed and the following substituted:

powers and duties of teachers, etc.

26. prescribing the powers, duties and qualifications, and governing the appointment of teachers, designated early childhood educators, supervisors, supervisory officers, heads of departments, principals, superintendents, residence counsellors, school attendance counsellors and other officials;

powers and duties of directors of education

26.0.1 prescribing the powers and duties and governing the appointment of directors of education;

2 Section 13 of the Act is amended by adding the following subsection:

Exception, COVID-19

(5.0.1) Despite subsection (5), for the 2020-2021 school year, the Minister may, in response to the outbreak of the coronavirus (COVID-19), operate one or more demonstration schools for exceptional pupils described in that subsection in either a residential or non-residential setting.

3 (1) Paragraph 3 of subsection 185 (1) of the Act is amended by striking out "or" at the end of subparagraph ii, by adding "or" at the end of subparagraph iii and by adding the following subparagraph:

iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil or person.

(2) Subsection 185 (10) of the Act is amended by adding the following clauses:

(c.1) prescribing persons for the purposes of subparagraph 3 iv of subsection (1) who may provide written notice in respect of a pupil or person and governing the conditions under which notice may be provided by such a person;

(c.2) authorizing personal information within the meaning of section 28 of the *Municipal Freedom of Information and Protection of Privacy Act* to be collected by boards, for the purpose of administering and implementing this section, in a manner other than directly from the individual to whom the information relates and regulating the manner in which the information is collected;

4 (1) Paragraph 2 of subsection 188 (1) of the Act is amended by striking out "or" at the end of subparagraph ii, by adding "or" at the end of subparagraph iii and by adding the following subparagraph:

iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil.

(2) Subsection 188 (1.11) of the Act is amended by adding the following clauses:

(a.1) prescribing persons for the purposes of subparagraph 2 iv of subsection (1) who may provide written notice in respect of a pupil and governing the conditions under which notice may be provided by such a person;

(a.2) authorizing personal information within the meaning of section 28 of the *Municipal Freedom of Information and Protection of Privacy Act* to be collected by boards, for the purpose of administering and implementing this section, in a manner other than directly from the individual to whom the information relates and regulating the manner in which the information is collected;

5 The heading to Part XI of the Act is repealed and the following substituted:

PART XI
DIRECTORS OF EDUCATION AND SUPERVISORY OFFICERS

6 Sections 279 and 280 of the Act are repealed and the following substituted:

Qualifications of director of education

279 (1) If qualifications for a director of education are required by the regulations, a board shall not appoint or employ a person as a director of education unless the person holds those qualifications.

Regulations

(2) The Minister may make regulations prescribing the qualifications for directors of education.

Director of education and supervisory officers: district school boards

280 Every district school board shall, subject to the regulations, employ a director of education and such supervisory officers as it considers necessary to supervise all aspects of the programs under its jurisdiction.

Appointment of director of education: school authorities

281 (1) Two or more public school authorities may, with the approval of the Minister, agree to appoint a director of education to supervise all aspects of the programs under their jurisdictions.

Same

(2) Two or more Roman Catholic school authorities may, with the approval of the Minister, agree to appoint a director of education to supervise all aspects of the programs under their jurisdictions.

Abolition of position

(3) A school authority that appoints a director of education with the approval of the Minister shall not abolish the position of director of education without the approval of the Minister.

If no director of education

(4) If a school authority does not appoint a director of education, then a supervisory officer shall act as the director of education and perform all the duties of the director of education.

7 Subsection 283 (1) of the Act is repealed.

8 Subsection 306 (1) of the Act is amended by adding "Subject to a regulation made under clause 316 (1.1) (a)" at the beginning of the portion before paragraph 1.

9 Subsection 310 (1) of the Act is amended by adding "Subject to a regulation made under clause 316 (1.1) (a)" at the beginning of the portion before paragraph 1.

10 (1) Section 316 of the Act is amended by adding the following subsection:

Same

(1.1) The Lieutenant Governor in Council may make regulations,

(a) providing that pupils in specified grades in elementary school shall not be suspended under section 306 or 310, or that such suspensions may only occur in the prescribed circumstances;

(b) providing for transitional matters that are necessary or desirable in connection with a suspension that occurred under this Part before the day subsection 10 (1) of Schedule 5 to the *COVID-19 Economic Recovery Act, 2020* came into force.

(2) Subsection 316 (2) of the Act is amended by adding "or (1.1)" after "subsection (1)".

(3) Subsection 316 (3) of the Act is amended by adding "or (1.1)" after "subsection (1)".

Commencement

11 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 6
ENVIRONMENTAL ASSESSMENT ACT

1 (1) Subsection 1 (1) of the *Environmental Assessment Act* is amended by adding the following definition:

"designated project" means a Part II.3 project or a Part II.4 project; ("projet désigné")

(2) The definition of "municipality" in subsection 1 (1) of the Act is amended by adding "subject to subsection 6.0.1 (2)" before "includes".

(3) The definition of "municipality" in subsection 1 (1) of the Act, as amended by subsection (2), is amended by striking out "subsection 6.0.1 (2)" and substituting "subsection 17.5 (2)".

(4) Subsection 1 (1) of the Act is amended by adding the following definitions:

"Part II.3 project" means a project that has been designated by the regulations as a project to which Part II.3 applies or that has been declared by the Minister to be a Part II.3 project by order made under subsection 16 (1) or 17.31 (1); ("projet visé par la partie II.3")

"Part II.4 project" means a project that has been designated by the regulations as a project to which Part II.4 applies and in respect of which an order has not been made under subsection 16 (1) or 17.31 (1); ("projet visé par la partie II.4")

"project" means one or more enterprises or activities or a proposal, plan or program in respect of an enterprise or activity; ("projet")

(5) The definition of "Part II.3 project" in subsection 1 (1) of the Act, as enacted by subsection (4), is amended by striking out "subsection 16 (1) or 17.31 (1)" at the end and substituting "subsection 17.31 (1)".

(6) The definition of "Part II.4 project" in subsection 1 (1) of the Act, as enacted by subsection (4), is amended by striking out "subsection 16 (1) or 17.31 (1)" at the end and substituting "subsection 17.31 (1)".

(7) The definition of "proponent" in subsection 1 (1) of the Act is repealed and the following substituted:

"proponent" means a person who,

(a) carries out or proposes to carry out an undertaking or a project, or

(b) is the owner or person having charge, management or control of an undertaking or a project; ("promoteur")

(8) The definition of "proponent" in subsection 1 (1) of the Act, as re-enacted by subsection (7), is repealed and the following substituted:

"proponent" means a person who,

(a) carries out or proposes to carry out a project, or

(b) is the owner or person having charge, management or control of a project; ("promoteur")

(9) The French version of the definition of "undertaking" in subsection 1 (1) of the Act is amended,

(a) by striking out "d'un projet" wherever it appears and substituting in each case "d'une proposition"; and

(b) by striking out "du projet" in clause (c) and substituting "de la proposition".

(10) The definition of "undertaking" in subsection 1 (1) of the Act, as amended by subsection (9), is repealed.

2 The Act is amended by adding the following section:

Existing aboriginal and treaty rights

2.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

3 (1) The French version of section 3 of the Act is amended by,

(a) striking out "projets" wherever it appears in clauses (a) and (b) and substituting in each case "propositions";

(b) striking out "au projet, plan ou programme" in clause (c) and substituting "à la proposition, au plan ou au programme"; and

(c) striking out "du projet" in clause (c) and substituting "de la proposition".

(2) Section 3 of the Act, as amended by subsection (1), is repealed and the following substituted:

Designation of projects

3 (1) The Lieutenant Governor in Council may make regulations designating projects as projects to which Part II.3 or II.4 apply.

Same

(2) A regulation under subsection (1) may designate a project or a class of projects. It may also describe a designated project with reference to a proponent or a class of proponents.

Same, ancillary activities

(3) A project that is designated under subsection (1) includes any enterprise or activity that is ancillary to that project.

Same, ancillary project

(4) A project that is designated as a Part II.3 project includes any Part II.4 project that is ancillary to the Part II.3 project and that has the same proponent as the Part II.3 project. The Part II.4 project shall be deemed not to be a Part II.4 project for the purposes of this Act.

4 (1) The French version of section 3.0.1 of the Act is amended by,

(a) striking out "à une activité ou un projet" and substituting "une activité ou une proposition"; and

(b) striking out "au projet" and substituting "à la proposition".

(2) Section 3.0.1 of the Act, as amended by subsection (1), is repealed and the following substituted:

Agreement for application of Act

3.0.1 (1) A person who carries out, proposes to carry out or is the owner or person having charge, management or control of a project that is not a designated project may enter into a written agreement with the Minister to have all or part of this Act and of the regulations apply to the project.

Deemed Part II.3 or Part II.4 projects

(2) If an agreement is entered into under subsection (1) with respect to a project and the agreement provides for Part II.3 or Part II.4 of this Act to apply with respect to the project, that project is deemed to be a Part II.3 project or a Part II.4 project, as the case may be.

Deemed Part II.1 projects

(3) If an agreement is entered into under subsection (1) with respect to a project and the agreement provides for Part II.1 of this Act to apply with respect to the project, that project is deemed to be an undertaking to which the approved class environmental assessment identified in the agreement applies.

Transition, previous agreements

(4) An enterprise or activity or a proposal, plan or program is deemed to be a Part II.3 project if,

(a) this Act applied to it by virtue of an agreement made before the day subsection 4 (2) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force; and

(b) on the day Part II.3 comes into force, no approval had been given under section 9 or 9.1 to proceed with the enterprise or activity or the proposal, plan or program.

(3) Subsection 3.0.1 (3) of the Act, as enacted by subsection (2), is repealed.

5 (1) Subsections 3.1 (2) and (3) of the Act are repealed and the following substituted:

Order to vary or dispense

(2) The Minister may by order vary or dispense with a requirement imposed under this Act with respect to the undertaking if,

(a) both jurisdictions have agreed to harmonization or substitution of requirements in relation to the undertaking; or

(b) there is an agreement with respect to harmonization or substitutions between the jurisdictions.

Order to impose additional requirements

(3) The Minister may by order impose requirements in addition to those imposed under this Act with respect to the undertaking if the condition set out in clause (2) (a) or (b) is satisfied and the additional requirements are being imposed to provide for harmonization or substitution.

Declaration of non-application

(3.1) The Minister may by order declare that this Act does not apply with respect to the undertaking and may make the order subject to such conditions as the Minister considers appropriate.

(2) The French version of subsection 3.1 (4) of the Act is amended by striking out "du projet d'arrêté" and substituting "de l'arrêté proposé".

(3) Section 3.1 of the Act, as amended by subsections (1) and (2), is repealed and the following substituted:

Harmonization, substitution

3.1 (1) This section applies if,

(a) another jurisdiction imposes requirements with respect to an undertaking to which this Act applies or with respect to a designated project; and

(b) the Minister considers the requirements imposed by the other jurisdiction to be equivalent to the requirements imposed by this Act.

Order to vary or dispense

(2) The Minister may by order vary or dispense with a requirement imposed under this Act with respect to the undertaking or designated project if,

(a) both jurisdictions have agreed to harmonization or substitution of requirements in relation to the undertaking or project; or

(b) there is an agreement with respect to harmonization or substitution between the jurisdictions.

Order to impose additional requirements

(3) The Minister may by order impose requirements in addition to those imposed under this Act with respect to the undertaking or designated project if the condition set out in clause (2) (a) or (b) is satisfied and the additional requirements are being imposed to provide for harmonization or substitution.

Declaration of non-application

(4) The Minister may by order declare that this Act does not apply with respect to the undertaking or designated project and may make the order subject to such conditions as the Minister considers appropriate.

Notice and comment

(5) When the Minister proposes to make an order under this section, the Minister shall give adequate public notice of the proposed order and shall ensure that members of the public have an opportunity to comment on it.

Reasons

(6) When making an order, the Minister shall give written reasons.

(4) Clause 3.1 (1) (a) of the Act, as re-enacted by subsection (3), is amended by striking out "with respect to an undertaking to which this Act applies or".

(5) Subsection 3.1 (2) of the Act, as re-enacted by subsection (3), is amended by striking out "undertaking or" wherever it appears.

(6) Subsection 3.1 (3) of the Act, as re-enacted by subsection (3), is amended by striking out "undertaking or".

(7) Subsection 3.1 (4) of the Act, as re-enacted by subsection (3), is amended by striking out "undertaking or".

6 (1) Subsection 3.2 (1) of the Act is repealed and the following substituted:

Declaration

(1) Subject to subsection (1.1), the Minister may by order, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate,

(a) declare that this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act does not apply with respect to an undertaking, class of undertakings, designated project, class of designated projects, person or class of persons;

(b) suspend or revoke the declaration;

(c) impose conditions on the declaration; or

(d) amend or revoke conditions imposed on the declaration.

Same

(1.1) The Minister shall make an order under subsection (1) only if the Minister considers that it is in the public interest to do so having regard to the purpose of this Act and weighing it against the injury, damage or interference that might be caused to any person or property by the application of this Act to the undertaking, class of undertakings, designated project, class of designated projects, person or class of persons.

(2) Clause 3.2 (1) (a) of the Act, as re-enacted by subsection (1), is amended by striking out "an undertaking, class of undertakings, designated project" and substituting "a designated project".

(3) Subsection 3.2 (1.1), as enacted by subsection (1), is amended by striking out "undertaking, class of undertakings".

7 Section 3.3 of the Act is repealed.

8 The Act is amended by adding the following sections before the heading to Part II:

Non-application

4.1 Section 21.2 (power to review) of the *Statutory Powers Procedure Act* does not apply with respect to decisions made under this Act.

Validity of decisions

4.2 A decision of the Minister or Director under this Act is not invalid solely on the ground that the decision was not made before the applicable deadline.

9 Section 5 of the Act is amended by adding the following subsection:

Form, manner of application

(2.1) An application shall be submitted to the Minister in the form and manner specified by the Director.

10 The Act is amended by adding the following section:

Landfilling site, municipal support required

Definitions

6.0.1 (1) In this section,

"area of settlement" has the same meaning as in subsection 1 (1) of the *Planning Act*; ("zone de peuplement")

"landfilling site" means a waste disposal site where landfilling occurs; ("lieu d'enfouissement")

"parcel of land" has the same meaning as in subsection 46 (1) of the *Planning Act*; ("parcelle de terrain")

"waste disposal site" has the same meaning as in Part V of the *Environmental Protection Act*. ("lieu d'élimination des déchets")

Same

(2) For the purposes of this section, the following terms have the meaning assigned to them under subsection 1 (1) of the *Municipal Act, 2001*:

1. Local municipality.
2. Municipality.

Application

(3) This section applies in respect of a proponent who wishes to proceed with an undertaking to establish a waste disposal site that,

(a) is a landfilling site; and

(b) is subject to this Part.

Local municipalities whose support is required

(4) A proponent mentioned in subsection (3) shall, in accordance with subsection (5), obtain municipal support for the undertaking from each local municipality,

(a) in which the landfilling site would be situated; and

(b) in which there is, as of the day on which the proponent gives public notice of the proposed terms of reference under subsection 6 (3.1), a parcel of land,

(i) on which residential uses, other than residential uses that are ancillary to other uses, are authorized by the official plan of the municipality,

(ii) that is within an area of settlement, and

(iii) that is located within a 3.5 kilometre distance, or such other distance as may be prescribed, perpendicular at each point from the property boundary of the property on which the proposed landfilling site would be situated.

Evidence of support

(5) For the purposes of subsection (4), the proponent shall provide to the Ministry,

(a) a copy of a municipal council resolution for each local municipality in respect of which municipal support is required under subsection (4), indicating the municipality supports the undertaking to establish a waste disposal site that is a landfilling site;

(b) a well-marked and legible map showing the location of the landfilling site, the boundaries of each local municipality mentioned in clause (a) and markings to illustrate the characteristics of a municipality under clause (4) (b); and

(c) a description of the process used to identify the local municipalities whose support for the undertaking is required under subsection (4).

Resolution

(6) For greater certainty, a municipal council resolution described in clause (5) (a) is not a matter that falls within the waste management sphere of jurisdiction under subsection 11 (3) of the *Municipal Act, 2001*.

Evidence to be included in environmental assessment

(7) Subject to subsection (9), the information mentioned in subsection (5) shall be included in the environmental assessment submitted to the Ministry under subsection 6.2 (1).

Transition, terms of reference already submitted or approved

(8) For greater certainty, if a proponent mentioned in subsection (3) has given the Ministry proposed terms of reference under subsection 6 (1) or has received approval for a terms of reference under subsection 6 (4) before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, this section applies.

Transition, environmental assessment already submitted

(9) If a proponent mentioned in subsection (3) has, before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, already submitted an environmental assessment in respect of the undertaking and no decision has been made in respect of the application under section 9 or 9.1, the following rules apply:

1. Subsection (4) applies to the proponent and the information required under subsection (5) shall be submitted separately from the environmental assessment.
2. If the Ministry has not completed its review of the environmental assessment under section 7 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,
    i. the Director shall not provide notice of completion under section 7.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and
    ii. the deadline referred to in subsection 7 (2) does not apply to the review of the environmental assessment.
3. If the Ministry has provided a notice of completion of the review under section 7.1 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,
    i. no decision shall be made under section 9 or 9.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and
    ii. the deadlines referred to in subsections 10 (1) and (2) do not apply to the application.

Confirmation

(10) With respect to an environmental assessment submitted by a proponent mentioned in subsection (3), until the date the Director has confirmed in writing to the proponent that the requirements set out in subsections (4) and (5) have been satisfied with respect to the undertaking,

(a) the environmental assessment is deemed not to have been received by the Ministry under subsection 6.2 (1); and

(b) the proponent shall not give public notice of the submission of the environmental assessment under subsection 6.3 (1).

Exceptions

(11) This section does not apply,

(a) in respect of a waste disposal site that is a landfilling site established by the Minister under clause 4 (1) (k) of the *Environmental Protection Act*; or

(b) to a proponent seeking an approval under this Part if the approval is required pursuant to a regulation made under clause 176 (4) (o) of the *Environmental Protection Act* with respect to a waste disposal site that is a landfilling site.

11 The Act is amended by adding the following section:

Information to be made available

6.5 In addition to complying with any requirements under this Act with respect to public notice, a proponent shall make available such information as the Director may require with respect to the application and the undertaking in such form and manner as the Director may require.

12 (1) Subsection 7 (3) of the Act is repealed and the following substituted:

Extension

(3) The deadline for completing the review may be extended by the Director for a prescribed reason or for an unusual, unexpected or urgent reason that the Director considers compelling. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.

(2) Subsection 7 (5) of the Act is amended by adding "or such other period as the Director may specify in the statement given under subsection (4)" at the end.

(3) Subsection 7 (6) of the Act is amended by adding "or such other period as the Director may specify in the statement given under subsection (4)" at the end.

13 (1) Clause 9 (1) (b) of the Act is amended by adding the following subclauses:

(iv.1) a process to be followed in respect of any changes to the undertaking that the proponent may wish to make after the approval is given, which process may include granting authority to the Director or Minister to,

(A) require the proponent to engage in additional consultation, and to provide additional information, in respect of proposed changes, and

(B) give approval, attach conditions to the approval or refuse to give approval to proceed with the changes,

(iv.2) that the process referred to in subclause (iv.1) is only available for specified changes or classes of changes to the undertaking,

(2) Section 9 of the Act is amended by adding the following subsections:

Subs. (1) (b) (iv.1), process to make changes

(1.1) A process mentioned in subclause (1) (b) (iv.1) may be set out in an approval or incorporated by reference into the approval.

Subs. (1) (b) (iv.1), application

(1.2) Subclause (1) (b) (iv.1) applies in respect of approval given under subsection (1) either before or after the day section 13 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

14 Subsection 10 (4) of the Act is repealed

15 Section 11.2 of the Act is amended by adding the following subsection:

Same

(2.1) If the Minister reviews under subsection (1) a decision of the Tribunal made under section 9.1 and then, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, makes an order under clause (2) (a) or (b), the varied or substituted decision is deemed to be the decision made by the Minister, with the necessary approval, under section 9.

16 (1) The French version of subsection 11.4 (3.1) of the Act is amended by striking out "des épreuves ou des expériences relatives" and substituting "des tests, des analyses ou des expériences relatifs".

(2) Subsection 11.4 (5) of the Act is repealed.

17 The Act is amended by adding the following section:

Expiry of approval

Application of section

11.5 (1) Subject to subsection (5), this section applies in respect of an approval to proceed with an undertaking if,

(a) approval has been given under this Part or a predecessor to this Part; and

(b) the approval does not specify a period of time following the giving of the approval after which the approval expires or a date after which a proponent cannot proceed under the approval.

Expiry

(2) If the undertaking has not been substantially commenced by the 10th anniversary of the day approval to proceed with the undertaking was given under this Act or by the end of any extension to that period granted by the Minister under subsection (3), the approval expires on the later of,

(a) the 10th anniversary or the end of the extended period, as the case may be; or

(b) the day section 17 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Extension

(3) The Minister may, by notice to the proponent, grant an extension of the period within which an undertaking is to be substantially commenced beyond the 10th anniversary of the day approval to proceed with the undertaking was given and may grant such an extension subject to any conditions specified in the notice.

Same

(4) An extension under subsection (3) may be granted at any time, including after the 10th anniversary of the approval being given has passed.

Exception, regulations

(5) The Minister may make regulations exempting undertakings from this section.

Minister may include date

(6) If an undertaking is exempted from this section by a regulation under subsection (5), the Minister may amend the approval to proceed with that undertaking to include a date on which the approval will expire.

18 Section 12 of the Act is repealed and the following substituted:

Proposed change to an undertaking

12 If a proponent wishes to change an undertaking after receiving approval to proceed with it, other than a change in the undertaking that is addressed in a condition mentioned in subclause 9 (1) (b) (iv.1), the proposed change to the undertaking shall be deemed to be an undertaking for the purposes of this Act.

19 (1) Subsection 12.2 (4) of the Act is amended by striking out "give or approve a loan" and substituting "give a loan".

(2) Subsection 12.2 (5) of the Act is amended by striking out "may be given or approved" and substituting "may be given"

20 Part II of the Act is repealed.

21 (1) Sections 13 to 15.1 of the Act are repealed and the following substituted:

No applications

13 On and after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent, no application for approval of a class environmental assessment shall be submitted and any application in respect of which no approval has been given under this Part before that day shall be terminated.

Definition, change to undertaking

14 In this Part,

"change to an undertaking" means a change to an undertaking that is proposed after the undertaking is authorized to proceed under an approved class environmental assessment and is provided for in the approved class environmental assessment.

Application of Part

15 Sections 15.1 to 17 apply in respect of undertakings to which one of the following approved class environmental assessments, as amended or renamed from time to time, applies:

1. GO Transit Class Environmental Assessment Document approved by the Lieutenant Governor in Council on December 13, 1995 under Order in Council 2316/1995.
2. Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999.
3. Municipal Class Environmental Assessment approved by the Lieutenant Governor in Council on October 4, 2000 under Order in Council 1923/2000.
4. Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.
5. Class Environmental Assessment for Remedial Flood and Erosion Control Projects approved by the Lieutenant Governor in Council on June 26, 2002 under Order in Council 1381/2002.
6. Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation approved by the Lieutenant Governor in Council on April 28, 2004 under Order in Council 913/2004.
7. Class Environmental Assessment for Provincial Parks and Conservation Reserves approved by the Lieutenant Governor in Council on September 23, 2004 under Order in Council 1900/2004.
8. Class Environmental Assessment for Waterpower Projects approved by the Lieutenant Governor in Council on September 24, 2008 under Order in Council 1623/2008.

9. Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act approved by the Lieutenant Governor in Council on December 12, 2012 under Order in Council 1952/2012.
10. Class Environmental Assessment for Minor Transmission Facilities of Hydro One approved by the Lieutenant Governor in Council on November 16, 2016 under Order in Council 1726/2016.

Director to receive certain notices

15.1 (1) The proponent of an undertaking referred to in section 15 who issues a notice of completion or a notice of addendum under an approved class environmental assessment shall submit a copy of the notice to the Director in the manner specified by the Director.

Same, transition

(2) If a notice of completion or notice of addendum is issued under an approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, the copy of the notice that is required to be submitted to the Director under subsection (1) shall be submitted no later than 5 days following the day that section came into force.

Extension of comment period

(3) If a proponent of an undertaking referred to in section 15 extends the comment period provided for in a notice of completion or a notice of addendum in accordance with the approved class environmental assessment, the proponent shall give the Director notice of the extension.

Prohibitions, proceeding with undertaking

15.1.1 (1) No person shall proceed with an undertaking referred to in section 15 unless the person does so in accordance with the approved class environmental assessment and with subsections (5) to (9). The prohibitions in subsections 5 (3) and (4) do not apply with respect to such an undertaking.

Exception

(2) Despite subsection (1), a proponent of an undertaking referred to in section 15 may apply under subsection 5 (1) to the Minister for approval to proceed with the undertaking under Part II. Subsection (1) and subsections (5) to (9) do not apply with respect to such an undertaking and the prohibitions in subsections 5 (3) and (4) apply.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with the undertaking under Part II is withdrawn by the proponent.

Same

(4) Despite subsection (1), a proponent shall apply to the Minister for approval to proceed with an undertaking referred to in section 15 in accordance with Part II if the Minister makes an order under subsection 16 (1) requiring the proponent to comply with Part II. Subsection (1) and subsections (5) to (9) do not apply with respect to such an undertaking and the prohibitions in subsections 5 (3) and (4) apply.

Limitation on proceeding

(5) Despite anything in an approved class environmental assessment, no person shall proceed with an undertaking referred to in section 15 until at least 30 days, or such other number of days as may be prescribed, after the end of the comment period provided for in a notice of completion issued under the approved class environmental assessment, as that comment period may be extended in accordance with the approved class environmental assessment.

Same

(6) Despite subsection (5), if a notice of a proposed order is given to a proponent by the Director under subsection 16.1 (2), subsection (5) does not apply and no person shall proceed with the undertaking until at least 30 days, or such other number of days as may be prescribed, after the day the notice of the proposed order was given, subject to subsection (7).

Same

(7) If a notice of a proposed order includes a request for information made by the Director under subsection 16.1 (4), subsections (5) and (6) do not apply and the proponent shall not proceed with the undertaking until,

(a) if the proponent provides all the requested information on or before the deadline specified in the notice of a proposed order and receives a notice of satisfactory response from the Director under clause 16.1 (6) (a), at least 30 days, or such other number of days as may be prescribed, after the Director gives the proponent a notice of satisfactory response under clause 16.1 (6) (a); or

(b) if the proponent fails to provide all the requested information on or before the deadline specified in the notice of a proposed order and receives a notice of unsatisfactory response from the Director under clause 16.1 (7) (a), at least 30 days, or such other number of days as may be prescribed, that follows the comment period provided for in,

(i) a new notice of completion that the proponent is required to issue under clause 16.1 (7) (c), or

(ii) any further notice of completion that may be required of the proponent under subsection 16.1 (9), until such time as the Director is satisfied that all the information requested in the notice of the proposed order has been provided by the proponent in the notice of completion.

Same, transition

(8) For greater certainty, the limitations in subsections (5) to (7) apply with respect to an undertaking referred to in section 15 where the notice of completion was issued under the approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force and a copy of the notice is required to be submitted to the Director under subsection 15.1 (2).

Same, application for s. 16 order

(9) Despite anything in an approved class environmental assessment, if a request is made under subsection 16 (6) for the Minister to make an order under section 16 in respect of an undertaking that is proceeding under the approved class environmental assessment, no person shall proceed with the undertaking while the Minister's decision with respect to the request is still pending.

Change to undertaking

(10) This section applies with necessary modifications to a change to an undertaking that has been authorized to proceed in accordance with an approved class environmental assessment and, for the purposes of the application of subsections (5) to (9) to such a change, any reference in those subsections to a notice of completion shall be deemed to be a reference to a notice of addendum issued with respect to the change to the undertaking under the approved class environmental assessment.

Activities permitted before authorization to proceed

15.1.2 (1) Before a proponent is authorized to proceed with an undertaking referred to in section 15, a person may,

(a) take any action in connection with the undertaking that may be necessary to comply with this Act;

(b) acquire property or rights in property in connection with the undertaking;

(c) prepare a feasibility study and engage in research in connection with the undertaking; or

(d) establish a reserve fund or another financing mechanism in connection with the undertaking.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the undertaking has been given until the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the undertaking until the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Prohibition following approval

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to an undertaking if it would be inconsistent with the approved class environmental assessment.

Reconsideration of approval

15.1.3 (1) If there is a change in circumstances or new information concerning the approval of a class environmental assessment listed in section 15 and if the Minister considers it appropriate to do so, he or she may reconsider the approval under this section.

Same

(2) The Minister may request the Tribunal to determine whether it is appropriate to reconsider the approval.

Same

(3) The Minister may refer the reconsideration of the approval of a class environmental assessment under this section to the Tribunal and, in that case, the Tribunal may conduct the reconsideration instead of the Minister.

Minister may require plans, etc.

(4) For the purposes of making a decision under this section, the Minister or the Tribunal may, by order, require a person given approval in respect of a class environmental assessment to provide plans, specifications, technical reports or other information and to carry out and report on tests or experiments.

Amendment, revocation

(5) After reconsidering an approval under this section, the Minister or Tribunal may amend or revoke the approval.

Rules, etc.

(6) A decision under this section shall be made in accordance with any rules and subject to any restrictions as may be prescribed.

(2) Subsection 15.1.1 (1) of the Act, as enacted by subsection (1), is amended by striking out "The prohibitions in subsections 5 (3) and (4) do not apply with respect to such an undertaking" at the end.

(3) Subsections 15.1.1 (2) and (3) of the Act, as enacted by subsection (1), are repealed and the following substituted:

Exception

(2) Despite subsection (1), a proponent of an undertaking referred to in section 15 may apply under subsection 17.2 (1) to the Minister for approval to proceed with the undertaking as a Part II.3 project. On and after the day the proponent applies under subsection 17.2 (1), the undertaking shall be deemed to be a Part II.3 project and Part II.3 applies in respect of it instead of this section.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with the undertaking as a Part II.3 project is withdrawn by the proponent.

(4) Subsection 15.1.1 (4) of the Act, as enacted by subsection (1), is repealed and the following substituted:

Same

(4) Despite subsection (1), if the Minister makes an order under subsection 16 (1) declaring an undertaking referred to in section 15 to be a Part II.3 project for the purposes of this Act, subsection (1) ceases to apply with respect to the project and Part II.3 applies.

22 The Act is amended by adding the following section:

Amendment, etc. by regulation

15.1.4 The Lieutenant Governor in Council may by regulation amend or revoke an approval of a class environmental assessment or amend an approved class environmental assessment.

23 (1) Paragraph 1 of subsection 15.3 (3) of the Act is repealed and the following substituted:

1. Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.

(2) Paragraph 4 of subsection 15.3 (4) of the Act is repealed and the following substituted:

4. Category A of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.

24 The French version of subsection 15.4 (2) of the Act is amended by striking out "du projet de modification" and substituting "de la modification proposée".

25 (1) Section 16 of the Act is repealed and the following substituted:

Order to comply with Part II

16 (1) The Minister may by order require a proponent to comply with Part II before proceeding with a proposed undertaking referred to in section 15.

Same

(2) In an order under subsection (1), the Minister may do the following:

1. Set out directions with respect to the terms of reference governing the preparation of an environmental assessment for the undertaking.

2. Declare that the proponent has satisfied such requirements for the preparation of an environmental assessment as are specified in the order.

Order imposing additional conditions

(3) The Minister may by order impose conditions on an undertaking referred to in section 15, in addition to the conditions that were imposed upon the approval of the class environmental assessment.

Same

(4) An order under subsection (1) or (3) may be made on the initiative of the Minister or on the request of a person under subsection (6).

Basis for order

(5) The Minister shall consider the following matters when making an order under subsection (1) or (3):

1. The purpose of this Act.
2. The factors suggesting that the proposed undertaking differs from other undertakings in the class to which the class environmental assessment applies.
3. The significance of the factors and of the differences mentioned in paragraph 2.
4. If a request for the order was made by a person under subsection (6), any ground for making the request that is given by that person and permitted under subsection (6).
5. The mediators' report, if any, following a referral under subsection (7).
6. Such other matters as may be prescribed.
7. Such other matters as the Minister considers appropriate.

Request for order

(6) A person may request the Minister to make an order under this section only on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Mediation

(7) The Minister may refer a matter in connection with a request made under subsection (6) to mediation and section 8 applies with necessary modifications.

Order after request

(8) For the purpose of considering a request made by a person under subsection (6), the Director may require the proponent to undertake such consultations and to provide such information as the Director may specify.

Refusal after request

(9) If, after receiving a request under subsection (6), the Minister refuses to make an order, the Minister shall give the person who made the request and the proponent notice of his or her decision together with the reasons for the decision.

Notice of order

(10) The Minister shall give a copy of an order made under this section, together with the reasons for it, to the proponent, to the person who requested the order, if any and to such other persons as the Minister considers advisable.

Change to undertaking

(11) The Minister may make an order under this section with respect to a change to an undertaking and this section shall apply with necessary modifications to such an order.

Conflict

(12) This section prevails over anything to the contrary that may be provided for in an approved class environmental assessment.

Amendment of s. 16 (3) order

(13) The Minister may, in accordance with the regulations, if any, amend any order made under subsection 16 (3), regardless of whether the order was made before or after subsection 25 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Time limit for orders

16.1 (1) The Minister shall not make an order under subsection 16 (1) or (3) on his or her own initiative if more than 30 days, or such other number of days as may be prescribed, has elapsed after the end of the comment period provided for in a notice of

completion issued under the approved class environmental assessment, as that comment period may be extended in accordance with the approved class environmental assessment.

Notice of proposed order

(2) Despite subsection (1), the Minister may make an order under subsection 16 (1) or (3) on his or her own initiative after the time limit described in subsection (1) if before the time limit has elapsed the Director gives the proponent notice that the Minister is considering making the order.

New time limit

(3) If notice of a proposed order is given by the Director under subsection (2), the Minister may make the order under subsection 16 (1) or (3) only if he or she does so,

(a) before the end of the 30-day period, or such other time period as may be prescribed, that follows the giving of the notice of the proposed order; or

(b) if the Director includes in the notice of the proposed order a request for information under subsection (4), before the end of the 30-day period, or such other time period as may be prescribed, that follows the day the Director gives the proponent a notice of satisfactory response under clause (6) (a), subject to subsections (7) to (12).

Request for information

(4) In a notice of a proposed order, the Director may request that the proponent provide such information as the Director believes is necessary to assist the Minister in determining whether to make the order and that the information be provided on or before the specified deadline.

Compliance with request

(5) The proponent shall give the Director the information specified in the notice of the proposed order on or before the deadline specified in the notice.

Same

(6) If the Director is satisfied that the proponent has provided all the information requested in the notice of the proposed order within the specified deadline,

(a) the Director shall give the proponent a notice of satisfactory response; and

(b) the Minister may make the order within the time limit set out in clause (3) (b).

Failure to comply with request

(7) If a proponent fails to provide all the information requested in the notice of the proposed order within the specified deadline or if, upon review of the information provided, the Director is not satisfied that all the information requested has been provided,

(a) the Director shall give the proponent a notice of unsatisfactory response;

(b) the time limits under subsections (1) and (3) that applied with respect to the comment period provided for in the notice of completion previously issued by the proponent cease to apply;

(c) the proponent shall issue a new notice of completion in accordance with subsection (9); and

(d) the time limits under subsections (1) and (3) shall apply with respect to the comment period provided for in the new notice of completion.

Notice of unsatisfactory response

(8) A notice of unsatisfactory response issued by the Director under clause (7) (a) shall,

(a) specify the information that the proponent must provide in order to satisfy the request for information that was made by the Director in the notice of the proposed order; and

(b) advise the proponent that a new notice of completion must be issued by the proponent within the time period specified by the Director.

New notice of completion

(9) On or before the end of the time period specified by the Director in the notice of unsatisfactory response, the proponent shall,

(a) issue a new notice of completion in accordance with such directions as may be specified by the Director; and

(b) provide to the Director all of the information specified by the Director in the notice of unsatisfactory response.

New comment period

(10) The notice of completion issued under clause (9) (a) shall provide for a new comment period which shall be at least 30 days in duration.

Further failure to comply

(11) If a proponent fails to comply with subsections (9) and (10), subsections (7), (8), (9) and (10) shall apply with necessary modifications to that failure.

Same

(12) Subsection (11) shall apply to successive failures to comply with subsections (9) and (10) until the Director is satisfied that the proponent has provided all the requested information and issues a notice of satisfactory response in accordance with subsection (6) and, when the Director issues a notice of satisfactory response, the time limit set out in clause (6) (b) shall apply with respect to any order to be made by the Minister under subsection 16 (1) or (3) on his or her own initiative.

Change to undertaking

(13) This section applies if the Minister is considering making an order under subsection 16 (1) or (3) with respect to a change to an undertaking and, for the purpose of that application, any reference in this section to a notice of completion shall be deemed to be a reference to a notice of addendum.

Same, transition

(14) For greater certainty, the time limits in this section apply with respect to an undertaking referred to in section 15 where the notice of completion was issued under the approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force and a copy of the notice is required to be submitted to the Director under subsection 15.1 (2).

(2) Subsection 16 (1), as re-enacted by subsection (1), is repealed and the following substituted:

Order to comply with Part II.3

(1) The Minister may make an order declaring a proposed undertaking referred to in section 15 to be a Part II.3 project.

(3) Paragraph 1 of subsection 16 (2) of the Act, as re-enacted by subsection (1), is amended by striking out "undertaking" at the end and substituting "project".

26 Part II.1 of the Act is repealed.

27 The French version of clause 17.1 (4) (b) of the Act is amended by striking out "tout projet, plan ou programme" at the beginning and substituting "toute proposition, tout plan ou tout programme".

28 Part II.2 of the Act is repealed.

29 The Act is amended by adding the following Part:

PART II.3
COMPREHENSIVE ENVIRONMENTAL ASSESSMENTS

Approval for project

17.2 (1) Every proponent who wishes to proceed with a Part II.3 project shall apply to the Minister for approval to do so.

Application

(2) The application consists of the proposed terms of reference submitted under subsection 17.4 (1) and the environmental assessment subsequently submitted under subsection 17.7 (1).

Form, manner of application

(3) An application shall be submitted to the Minister in the form and manner specified by the Director.

Prohibition

(4) No person shall proceed with a Part II.3 project unless the Minister gives his or her approval to proceed under section 17.15 or the Tribunal gives its approval under section 17.16.

Same

(5) No person shall proceed with a Part II.3 project in a manner inconsistent with a condition imposed by the Minister or the Tribunal for proceeding with it.

Potential non-compliance

(6) A proponent who has received approval to proceed with a Part II.3 project shall promptly notify the Minister if the proponent may not be able to comply with the approval as a result of a change in circumstances.

Obligation to consult

17.3 When preparing proposed terms of reference and an environmental assessment, the proponent shall consult with such persons as may be interested.

Terms of reference

17.4 (1) The proponent shall give the Ministry proposed terms of reference governing the preparation of an environmental assessment for the Part II.3 project.

Same

(2) The proposed terms of reference must,

(a) indicate that the environmental assessment will be prepared in accordance with the requirements set out in subsection 17.6 (2);

(b) indicate that the environmental assessment will be prepared in accordance with such requirements as may be prescribed for the class of Part II.3 project the proponent wishes to proceed with, which may include requirements to provide information that is greater than or less than what is required under subsection 17.6 (2); or

(c) specify in detail the requirements for the preparation of the environmental assessment, which may include requirements to provide information that is greater than or less than what is required under subsection 17.6 (2).

Same

(3) The proposed terms of reference must be accompanied by a description of the consultations by the proponent and the results of the consultations.

Public notice

(4) The proponent shall give public notice of the proposed terms of reference and shall do so by the prescribed deadline and in the form and manner required by the Director.

Same

(5) The public notice must indicate where and when members of the public may inspect the proposed terms of reference, state that they may give their comments about the proposed terms of reference to the Ministry and contain such other information as may be prescribed or as the Director may require.

Notice to clerk of a municipality

(6) The proponent shall give the information contained in the public notice to the clerk of each municipality in which the Part II.3 project is to be carried out and shall do so by the deadline for giving the public notice.

Notice to other persons

(7) The proponent shall give the information contained in the public notice to such other persons as the Director may require and shall do so by the deadline for giving the public notice.

Public inspection

(8) Any person may inspect the proposed terms of reference in the places and at the times set out in the public notice.

Comments

(9) Any person may comment in writing on the proposed terms of reference to the Ministry and, if the person wishes the comments to be considered by the Minister in deciding whether to approve the proposed terms of reference, shall submit the comments by the prescribed deadline.

Approval

(10) The Minister shall approve the proposed terms of reference, with any amendments that he or she considers necessary, if he or she is satisfied that an environmental assessment prepared in accordance with the approved terms of reference will be consistent with the purpose of this Act and the public interest.

Same

(11) The amendments made by the Minister under subsection (10) may include amendments to impose requirements that are greater than or less than the requirements of the regulations if the Minister is of the opinion that in the circumstances, the amendments are necessary in order to ensure that an environmental assessment prepared in accordance with the approved terms of reference will be consistent with the purpose of this Act and the public interest.

Mediation

(12) Before approving proposed terms of reference, the Minister may refer a matter in connection with them to mediation, and section 17.14 applies with necessary modifications.

Deadline, Minister's decision

(13) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline.

Same

(14) If the Minister has not notified the proponent under subsection (13) by the prescribed deadline, the Minister shall provide written reasons to the proponent indicating why a decision was not made and when a decision is expected to be made.

Landfilling site, municipal support required

Definitions

17.5 (1) In this section,

"area of settlement" has the same meaning as in subsection 1 (1) of the *Planning Act*; ("zone de peuplement")

"landfilling site" means a waste disposal site where landfilling occurs; ("lieu d'enfouissement")

"parcel of land" has the same meaning as in subsection 46 (1) of the *Planning Act*; ("parcelle de terrain")

"waste disposal site" has the same meaning as in Part V of the *Environmental Protection Act*. ("lieu d'élimination des déchets")

Same

(2) For the purposes of this section, the following terms have the meaning assigned to them under subsection 1 (1) of the *Municipal Act, 2001*:

1. Local municipality.
2. Municipality.

Application

(3) This section applies in respect of a proponent who wishes to proceed with a Part II.3 project to establish a waste disposal site that is a landfilling site.

Local municipalities whose support is required

(4) A proponent mentioned in subsection (3) shall, in accordance with subsection (5), obtain municipal support for the project from each local municipality,

(a) in which the landfilling site would be situated; and

(b) in which there is, as of the day on which the proponent gives public notice of the proposed terms of reference under subsection 17.4 (4), a parcel of land,

(i) on which residential uses, other than residential uses that are ancillary to other uses, are authorized by the official plan of the municipality,

(ii) that is within an area of settlement, and

(iii) that is located within a 3.5 kilometre distance, or such other distance as may be prescribed, perpendicular at each point from the property boundary of the property on which the proposed landfilling site would be situated.

Evidence of support

(5) For the purposes of subsection (4), the proponent shall provide to the Ministry,

(a) a copy of a municipal council resolution for each local municipality in respect of which municipal support is required under subsection (4), indicating the municipality supports the project to establish a waste disposal site that is a landfilling site;

(b) a well-marked and legible map showing the location of the landfilling site, the boundaries of each local municipality mentioned in clause (a) and markings to illustrate the characteristics of a municipality under clause (4) (b); and

(c) a description of the process used to identify the local municipalities whose support for the project is required under subsection (4).

Resolution

(6) For greater certainty, a municipal council resolution described in clause (5) (a) is not a matter that falls within the waste management sphere of jurisdiction under subsection 11 (3) of the *Municipal Act, 2001*.

Evidence to be included in environmental assessment

(7) The information mentioned in subsection (5) shall be included in the environmental assessment submitted to the Ministry under subsection 17.7 (1).

Confirmation

(8) With respect to an environmental assessment submitted by a proponent mentioned in subsection (3), until the date the Director has confirmed in writing to the proponent that the requirements set out in subsections (4) and (5) have been satisfied with respect to the project,

(a) the environmental assessment is deemed not to have been received by the Ministry under subsection 17.7 (1); and

(b) the proponent shall not give public notice of the submission of the environmental assessment under subsection 17.8 (1).

Exceptions

(9) This section does not apply,

(a) in respect of a waste disposal site that is a landfilling site established by the Minister under clause 4 (1) (k) of the *Environmental Protection Act*; or

(b) to a proponent seeking an approval under this Part if the approval is required pursuant to a regulation made under clause 176 (4) (o) of the *Environmental Protection Act* with respect to a waste disposal site that is a landfilling site.

Preparation of environmental assessment

17.6 (1) The proponent shall prepare an environmental assessment for a Part II.3 project in accordance with the approved terms of reference.

Contents

(2) Subject to clauses 17.4 (2) (b) and (c), the environmental assessment must consist of,

(a) a description of the purpose of the project;

(b) a description of and a statement of the rationale for,

(i) the Part II.3 project,

(ii) the alternative methods of carrying out the Part II.3 project, and

(iii) the alternatives to the Part II.3 project;

(c) a description of,

(i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,

(ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and

(iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, by the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project;

(d) an evaluation of the advantages and disadvantages to the environment of the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project; and

(e) a description of any consultation about the Part II.3 project by the proponent and the results of the consultation.

Submission of environmental assessment

17.7 (1) After receiving notice that the terms of reference of a Part II.3 project are approved by the Minister, the proponent shall submit an environmental assessment for the project to the Ministry.

Time limits

(2) A time period within which a proponent must submit an environmental assessment for a Part II.3 project to the Ministry may be set out in the approved terms of reference or may be prescribed.

Compliance with time limits

(3) A proponent of a Part II.3 project shall submit the environmental assessment for the project,

(a) within the time period set out in the approved terms of reference, if any; or

(b) if no time period is set out in the approved terms of reference, within any prescribed time period.

Extension of deadline

(4) Any time period for the submission of an environmental assessment that is prescribed in accordance with subsection (2) may be extended by the Minister by such further time period as the Minister considers appropriate, but the extension shall not exceed any prescribed maximum time period.

Termination, missed deadline

(5) If a proponent does not submit an environmental assessment for a Part II.3 project by the end of the applicable time period, the application shall be terminated.

Replacement terms of reference

(6) If an application for approval of a Part II.3 project is terminated under subsection (5), the proponent may give the Minister a second proposed terms of reference with respect to the Part II.3 project under subsection 17.4 (1) and the second proposed terms of reference may be the same as the terms of reference previously given and approved.

Amendment or withdrawal

(7) After it is submitted to the Ministry, the proponent may amend or withdraw the environmental assessment at any time before the deadline for completion of the Ministry review of the environmental assessment.

Same

(8) The proponent may amend or withdraw the environmental assessment after the deadline for completion of the Ministry review only upon such conditions as the Minister may by order impose.

Same

(9) The Minister may by order amend or revoke conditions imposed under this section.

Public notice of submission

17.8 (1) The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the form and manner as the Director may require.

Same

(2) The public notice must indicate where and when members of the public may inspect the environmental assessment, state that they may give their comments about it to the Ministry and contain such other information as the Director may require.

Notice to clerk of a municipality

(3) The proponent shall give the information contained in the public notice to the clerk of each municipality in which the Part II.3 project is to be carried out and shall do so by the deadline for giving the public notice.

Notice to other persons

(4) The proponent shall give the information contained in the public notice to such other persons as the Director may require and shall do so by the deadline for giving the public notice.

Public inspection of environmental assessment

17.9 (1) Any person may inspect the environmental assessment in the places and at the times set out in the public notice.

Comments

(2) Any person may comment in writing on the Part II.3 project or on the environmental assessment to the Ministry and, if the person wishes the comments to be considered during the preparation of the Ministry review, shall submit the comments by the prescribed deadline.

Information to be made available

17.10 In addition to complying with any requirements under this Act with respect to public notice, a proponent shall make available such information as the Director may require with respect to the application and the Part II.3 project in such form and manner as the Director may require.

MINISTRY REVIEW

Ministry review of environmental assessment

17.11 (1) The Ministry shall prepare a review of the environmental assessment and shall take into account any comments received from members of the public by the deadline prescribed under subsection 17.9 (2).

Completion date

(2) The review must be completed by the prescribed deadline.

Extension

(3) The deadline for completing the review may be extended by the Director for a prescribed reason or for an unusual, unexpected or urgent reason that the Director considers compelling. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.

Deficient environmental assessment

(4) If the Director considers that the environmental assessment is deficient in relation to the approved terms of reference and the purpose of this Act, the Director may give the proponent a statement describing the deficiencies and shall do so at least 14 days before the deadline for completing the review.

Remedying deficiencies

(5) The proponent may take such steps as are necessary to remedy the deficiencies described in the statement and shall do so within seven days after receiving the statement or such other period as the Director may specify in the statement given under subsection (4).

Rejection of environmental assessment

(6) The Minister may reject the environmental assessment if the Director is not satisfied that the deficiencies have been remedied within the seven-day period or such other period as the Director may specify in the statement given under subsection (4).

Notice of rejection

(7) The Director shall notify the proponent, the clerk of each municipality in which the Part II.3 project is to be carried out and the public if the Minister rejects the environmental assessment, and shall do so before the deadline for completing the review.

Notice of completion of Ministry review

17.12 (1) The Director shall notify the proponent and the clerk of each municipality in which the Part II.3 project is to be carried out when the Ministry review is completed.

Public notice

(2) The Director shall give public notice of the completion of the review in such form and manner as the Director considers suitable.

Same

(3) The public notice must indicate where and when members of the public may inspect the review and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed.

Public inspection of Ministry review

17.13 (1) Any person may inspect the Ministry review in the places and at the times set out in the public notice.

Comments

(2) Any person may comment in writing on the Part II.3 project, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent's application, shall submit the comments by the prescribed deadline.

Request for hearing

(3) Any person may request that the Minister refer the proponent's application or a matter that relates to it to the Tribunal for hearing and decision.

Same

(4) A request under subsection (3) must be made in writing to the Ministry before the deadline for submitting comments on the review.

DECISIONS ON THE APPLICATION

Mediation

17.14 (1) Before the application is decided, the Minister may appoint one or more persons to act as mediators who shall endeavour to resolve such matters as may be identified by the Minister as being in dispute or of concern in connection with the Part II.3 project.

Same

(2) The Minister may appoint the Tribunal to act as mediator.

Notice of mediation

(3) The Minister shall notify the following persons of his or her decision to refer certain matters to mediation and shall give them written reasons for the decision:

1. The proponent.
2. The clerk of each municipality in which the Part II.3 project is to be carried out.
3. Every person who submitted comments under subsection 17.9 (2) or 17.13 (2).
4. Such other persons as the Minister considers appropriate.

Parties

(4) The parties to the mediation are the proponent and such other persons as the Minister may identify. Instead of identifying parties by name, the Minister may determine the manner in which they are to be identified and invited to participate.

Closed proceedings

(5) Unless the mediators decide otherwise, the mediation is not open to the public.

Report

(6) The mediators shall give the Minister a written report on the conduct and results of the mediation.

Deadline

(7) The mediators shall give their report to the Minister within 60 days after their appointment or by such earlier deadline as the Minister may specify.

Confidentiality

(8) No person except the Minister shall make public any portion of the report.

Disclosure

(9) The Minister shall make the report public promptly after the Minister makes his or her decision under section 17.15 or the decision of the Tribunal under section 17.16 becomes effective. The Minister may make all or part of the report public before then only with the consent of the parties to the mediation.

Fees and expenses

(10) The proponent shall pay the fees and reasonable expenses of the mediators.

Decision by Minister

17.15 (1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,

(a) give approval to proceed with the Part II.3 project;

(b) give approval to proceed with the Part II.3 project subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying,

(i) the methods and phasing of the carrying out of the Part II.3 project,

(ii) the works or actions to prevent, mitigate or remedy effects of the Part II.3 project on the environment,

(iii) such research, investigations, studies and monitoring programs related to the Part II.3 project, and reports thereof, as the Minister considers necessary,

(iv) such changes in the Part II.3 project as the Minister considers necessary,

(v) a process to be followed in respect of any changes to the project that the proponent may wish to make after the approval is given, which may include granting authority to the Director or Minister to,

(A) require the proponent to engage in additional consultation, and to provide additional information, in respect of proposed changes, and

(B) give approval, attach conditions to the approval or refuse to give approval to proceed with the changes,

(vi) that the process referred to in subclause (v) is only available for specified changes or classes of changes to the projects,

(vii) that the proponent enter into one or more agreements related to the Part II.3 project with any person with respect to such matters as the Minister considers necessary,

(viii) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval,

(ix) the period of time during which the Part II.3 project or any part thereof shall be commenced or carried out; or

(c) refuse to give approval to proceed with the Part II.3 project.

Subs. (1) (b) (v), process to make changes

(2) A process mentioned in subclause (1) (b) (v) may be set out in an approval or may be incorporated by reference into an approval.

Basis for decision

(3) The Minister shall consider the following matters when deciding an application:

1. The purpose of this Act.
2. The approved terms of reference for the environmental assessment.
3. The environmental assessment.
4. The Ministry review of the environmental assessment.
5. The comments submitted under subsections 17.9 (2) and 17.13 (2).
6. The mediator's report, if any, given to the Minister under section 17.14.
7. Such other matters as the Minister considers relevant to the application.

Notice to proponent

(4) The Minister shall notify the proponent of the decision and shall give the proponent written reasons for it.

Notice to others

(5) The Minister shall notify every person who submitted comments to the Ministry under subsection 17.13 (2) of the decision.

Referral to Tribunal

17.16 (1) The Minister may refer an application to the Tribunal for a decision.

Powers of Tribunal

(2) The Tribunal may make any decision the Minister is permitted to make under subsection 17.15 (1).

Basis for decision

(3) The Tribunal shall consider the following things when deciding an application:

1. The purpose of this Act.
2. The approved terms of reference for the environmental assessment.
3. The environmental assessment.
4. The Ministry review of the environmental assessment.
5. The comments submitted under subsections 17.9 (2) and 17.13 (2).
6. If a mediators' report has been given to the Minister under section 17.14, any portion of the report that has been made public.

Same

(4) The decision of the Tribunal must be consistent with the approved terms of reference for the environmental assessment.

Deadline

(5) The Tribunal shall make its decision by the deadline the Minister specifies or by such later date as the Minister may permit if he or she considers that there is a sufficient reason (which is unusual, urgent or compassionate) for doing so.

Referral to Tribunal of part of a decision

17.17 (1) The Minister may refer to the Tribunal for hearing and decision a matter that relates to an application.

Restrictions

(2) The Minister may give such directions or impose such conditions on the referral as the Minister considers appropriate and may amend the referral.

Proposed decision

(3) The Minister shall inform the Tribunal of decisions that the Minister proposes to make on matters not referred to the Tribunal in connection with the application.

Notice of referral

(4) The Minister shall give notice of the referral to the proponent and to every person who submitted comments to the Ministry under subsection 17.13 (2) and shall give them the information given to the Tribunal under subsection (3).

Basis for decision

(5) The Tribunal shall observe any directions given and conditions imposed by the Minister when referring the matter to the Tribunal and shall consider the following things to the extent that the Tribunal considers them relevant:

1. The purpose of this Act.
2. The approved terms of reference for the environmental assessment.

3. The Ministry review of the environmental assessment.
4. The comments submitted under subsections 17.9 (2) and 17.13 (2).
5. If a mediators' report has been given to the Minister under section 17.14, any portion of the report that has been made public.
6. The decisions the Minister proposes to make on matters not referred to the Tribunal in connection with the application.

Deadline for deciding

(6) The Tribunal shall make its decision by the deadline the Minister specifies or by such later date as the Minister may permit if he or she considers that there is a sufficient reason (which is unusual, urgent or compassionate) for doing so.

Request for referral to Tribunal

17.18 (1) This section applies if under subsection 17.13 (3) a person requests the Minister to refer an application or a matter that relates to one to the Tribunal for hearing and decision.

Referral of application

(2) If referral of the application is requested, the Minister shall refer the application to the Tribunal under section 17.16 unless in his or her absolute discretion,

(a) the Minister considers the request to be frivolous or vexatious;

(b) the Minister considers a hearing to be unnecessary; or

(c) the Minister considers that a hearing may cause undue delay in determining the application.

Same, related matter

(3) If referral of a matter that relates to the application is requested, the Minister shall refer the matter to the Tribunal under section 17.17 except in the circumstances described in subsection (2).

Referral in part

(4) Despite subsection (2) or (3), if referral of an application or of matters relating to the application is requested but the Minister considers a hearing to be appropriate in respect of only some matters, the Minister shall refer those matters to the Tribunal under section 17.17.

Deadline, Minister's decisions

17.19 (1) Once the deadline has passed for submitting comments on the Ministry review of an environmental assessment, the Minister shall determine by the prescribed deadline whether to refer a matter in connection with the application to mediation or to the Tribunal under section 17.17.

Same

(2) By the prescribed deadline, the Minister shall decide the application under section 17.15 or refer it to the Tribunal for a decision under section 17.16.

Different deadlines

(3) For the purpose of subsection (2), different deadlines may be prescribed for applications in which a matter is referred to mediation or to the Tribunal under section 17.17 and for applications in which no referral is made.

Same

(4) If the Minister has not made a decision under subsection (2) by the prescribed deadline, the Minister shall provide written reasons to the proponent indicating why a decision was not made and when a decision is expected to be made:

Referral to other tribunal, entity

17.20 (1) The Minister may refer to a tribunal (other than the Environmental Review Tribunal) or an entity for decision a matter that relates to an application if the Minister considers it appropriate in the circumstances.

Deadline for referring

(2) The Minister shall make any decision to refer a matter to the tribunal or entity by the deadline by which the application must otherwise be decided.

Restrictions

(3) The Minister may give such directions or impose such conditions on the referral as the Minister considers appropriate and may direct that the matter be decided without a hearing, whether or not a hearing on the matter is otherwise required.

Same

(4) If the Minister refers a matter under this section, the Minister shall refer it to the tribunal or entity, if any, that is authorized under another Act to decide such matters. However, the Minister is not required to select that tribunal or entity if the Minister has a reason not to.

Amendment

(5) The Minister may amend a referral to the tribunal or entity.

Deemed decision

(6) A decision of the tribunal or entity under this section shall be deemed to be a decision of the Minister.

Referral by Tribunal

(7) The Tribunal may refer to another tribunal or entity for decision a matter that relates to an application, and subsections (1) to (6) apply with necessary modifications with respect to the referral.

Deferral of part of a decision

17.21 (1) The Minister may defer deciding a matter that relates to an application if the Minister considers it appropriate to do so because the matter is being considered in another forum or for scientific, technical or other reasons.

Same, Tribunal

(2) The Tribunal may defer deciding a matter that relates to an application if the Tribunal considers it appropriate to do so because the matter is being considered in another forum or for scientific, technical or other reasons.

Deadline

(3) The Minister or the Tribunal shall make any decision to defer deciding a matter by the deadline by which the application must otherwise be decided.

Notice of deferral

(4) The Minister or the Tribunal shall give notice of the deferral to the proponent and to every person who submitted comments to the Ministry under subsection 17.13 (2).

Reasons

(5) The Minister or the Tribunal shall give written reasons for a deferral, indicating why the deferral is appropriate in the circumstances.

Review of Tribunal decision

17.22 (1) The Minister may review a decision of the Tribunal under section 17.16 and may make an order or give a notice described in subsection (3) within 28 days after receiving a copy of the decision or within such longer period as the Minister may determine within that 28-day period.

Same; s. 17.17

(2) The Minister may review a decision of the Tribunal under section 17.17 and may make an order or give a notice described in subsection (3) at any time before the Minister decides the application under section 17.15.

Order

(3) With the approval of the Lieutenant Governor in Council or such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,

(a) by order, vary the decision of the Tribunal;

(b) by order, substitute his or her decision for the decision of the Tribunal; or

(c) by a notice to the Tribunal,

(i) require the Tribunal to hold a new hearing respecting all or part of the application and reconsider its decision, if the notice is given under subsection (1), or

(ii) require the Tribunal to hold a new hearing respecting all or part of the matter referred to the Tribunal under section 17.17 and reconsider its decision, if the notice is given under subsection (2).

Same

(4) If the Minister reviews under subsection (1) a decision of the Tribunal made under section 17.16 and then, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, makes an order under clause (3) (a) or (b), the varied or substituted decision is deemed to be the decision made by the Minister, with the necessary approval, under section 17.15.

Notice of order, etc.

(5) The Minister shall notify the persons who were given a copy of the Tribunal's decision,

(a) that the Minister has made an order or given a notice described in subsection (3); or

(b) that the Minister intends to do so within the period specified in the notice.

Copy of order, etc.

(6) The Minister shall give a copy of his or her order or notice under subsection (3), together with the reasons for it, to the persons who were given a copy of the Tribunal's decision.

When Tribunal decision is effective

17.23 A decision of the Tribunal is effective only after the expiry of the period under section 17.22 during which the Minister may review it and make an order or give a notice in respect of it.

Reconsideration of decisions

17.24 (1) If there is a change in circumstances or new information concerning an application and if the Minister considers it appropriate to do so, he or she may reconsider an approval given by the Minister or the Tribunal to proceed with a Part II.3 project.

Same

(2) The Minister may request the Tribunal to determine whether it is appropriate to reconsider an approval.

Same

(3) The Minister may request the Tribunal to reconsider an approval given by the Minister or the Tribunal.

Minister may require plans, etc.

(4) For the purposes of making a decision under this section, the Minister or the Tribunal may, by order, require the proponent of the Part II.3 project to provide plans, specifications, technical reports or other information and to carry out and report on tests or experiments relating to the Part II.3 project.

Amendment, revocation

(5) Where the Minister or the Tribunal reconsiders an approval under this section, that approval may be amended or revoked.

Rules, etc.

(6) A decision under this section shall be made in accordance with any rules and subject to any restrictions as may be prescribed.

Expiry of approval

Application of section

17.25 (1) Subject to subsection (5), this section applies in respect of an approval to proceed with a Part II.3 project if the approval does not specify a period of time following the giving of the approval after which the approval expires or a date after which a proponent cannot proceed under the approval.

Expiry

(2) If the Part II.3 project has not been substantially commenced by the 10th anniversary of the day approval to proceed with the project was given under this Act or by the end of any extension to that 10-year period granted by the Minister under subsection (3), the approval expires on the later of,

(a) the 10th anniversary or the end of the extended period, as the case may be; or

(b) the day section 29 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Extension

(3) The Minister may, by notice to the proponent, grant an extension of the period within which a Part II.3 project is to be substantially commenced beyond the 10th anniversary of the day approval to proceed with the project was given and may grant such an extension subject to any conditions specified in the notice.

Same

(4) An extension under subsection (3) may be granted at any time, including after the approval has expired.

Exception, regulations

(5) The Minister may make regulations exempting projects from this section.

Minister may include date

(6) If a Part II.3 project is exempted from this section by regulations, the Minister may amend the approval to proceed with that project to include a date on which the approval will expire.

OTHER MATTERS

Replacement of environmental assessment

17.26 (1) A proponent may submit a second environmental assessment to replace an environmental assessment withdrawn by the proponent or rejected by the Minister.

Same

(2) The second environmental assessment must be prepared in accordance with the approved terms of reference.

Activities permitted before approval

17.27 (1) Before a proponent receives approval to proceed with a Part II.3 project, a person may,

(a) take any action in connection with the Part II.3 project that may be necessary to comply with this Act;

(b) acquire property or rights in property in connection with the Part II.3 project;

(c) prepare a feasibility study and engage in research in connection with the Part II.3 project;

(d) establish a reserve fund or another financing mechanism in connection with the Part II.3 project.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the Part II.3 project has been given until the proponent receives approval under this Act to proceed with the Part II.3 project.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent receives the approval.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the Part II.3 project until the proponent receives approval to proceed with the Part II.3 project.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent receives the approval.

Prohibition following approval

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to a Part II.3 project if it would be inconsistent with a condition imposed upon the approval to proceed with the Part II.3 project.

Application of s. 17.24

17.28 Section 17.24 applies in respect of an environmental assessment to which all or part of Part II or a predecessor to that Part applied, and such an environmental assessment is deemed to be an application for the purpose of section 17.24.

30 The Act is amended by adding the following Part:

PART II.4
STREAMLINED ENVIRONMENTAL ASSESSMENTS

Prohibition

17.29 (1) No person shall proceed with a Part II.4 project until the person has satisfied the prescribed requirements for commencing the project, including the completion of a prescribed environmental assessment process.

Exception

(2) Despite subsection (1), a proponent of a Part II.4 project may apply under subsection 17.2 (1) to the Minister for approval to proceed with the Part II.4 project as a Part II.3 project. On and after the day the proponent applies under subsection 17.2 (1), the project shall be deemed to be a Part II.3 project and Part II.3 applies in respect of it instead of this section.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with a project as a Part II.3 project is withdrawn by the proponent.

Same

(4) Despite subsection (1), if the Minister makes an order under subsection 17.31 (1) declaring the Part II.4 project to be a Part II.3 project for the purposes of this Act, this section ceases to apply with respect to the project and Part II.3 applies.

Proceeding with project

(5) After the prescribed requirements for commencing a Part II.4 project have been satisfied, a person may proceed with the project but shall do so only in accordance with the prescribed requirements for proceeding with the project.

Activities permitted before proceeding

17.30 (1) Before the proponent of a Part II.4 project has satisfied the prescribed requirements for commencing the project, a person may,

(a) take any action in connection with the project that may be necessary to comply with this Act;

(b) acquire property or rights in property in connection with the project;

(c) prepare a feasibility study and engage in research in connection with the project; or

(d) establish a reserve fund or another financing mechanism in connection with the project.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the project has been given until the proponent has satisfied the prescribed requirements for commencing the project.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent has satisfied the prescribed requirements for commencing the project.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the project until the proponent has satisfied the prescribed requirements for commencing the project.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent has satisfied the prescribed requirements for commencing the project.

Prohibition on projects that are proceeding

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to a Part II.4 project after the prescribed requirements for commencing the project have been satisfied if doing so would be contrary to,

(a) a prescribed requirement for proceeding with the project; or

(b) a requirement imposed in an order of the Minister under subsection 17.31 (3).

Order to comply with Part II.3

17.31 (1) The Minister may make an order declaring a Part II.4 project to be a Part II.3 project for the purposes of this Act.

Same

(2) In an order under subsection (1), the Minister may do the following:

1. Set out directions with respect to the terms of reference governing the preparation of an environmental assessment under Part II.3 for the project.
2. Declare that the proponent has satisfied such requirements for the preparation of an environmental assessment under Part II.3 as are specified in the order.

Same, additional requirements

(3) The Minister may by order impose requirements on a Part II.4 project in addition to any prescribed requirements for commencing or proceeding with the project.

Same

(4) An order under subsection (1) or (3) may be made on the initiative of the Minister or on the request of a person under subsection (7).

Prescribed limits

(5) The Minister shall not make an order under subsection (1) or (3) on his or her own initiative after the prescribed deadline.

Basis for order

(6) The Minister shall consider the following matters when making an order under this section:

1. The purpose of this Act.
2. The factors suggesting that the proposed Part II.4 project differs from other Part II.4 projects of the same type.
3. The significance of the factors and of the differences mentioned in paragraph 2.
4. If a request for the order was made by a person under subsection (7), any ground for making the request that is given by that person and permitted under subsection (7).
5. The mediators' report, if any, following a referral under subsection (10).
6. Such other matters as may be prescribed.
7. Such other matters as the Minister considers appropriate.

Request for order

(7) A person may request the Minister to make an order under this section only on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Same

(8) A request under subsection (7) shall be made in the form and manner that may be specified by the Director and shall include such information as may be specified by the Director.

Same

(9) If a request is made under subsection (7) with respect to a project, no person shall proceed with the project until such time as,

(a) the Minister has made a decision with respect to the request; or

(b) the Minister has given a notice to the proponent stating that the proponent may proceed with the project.

Mediation

(10) The Minister may refer a matter in connection with a request to mediation and section 17.14 applies with necessary modifications.

Order after request

(11) For the purpose of considering a request made by a person under subsection (7), the Director may require the proponent to undertake such consultations and to provide such information as the Director may specify.

Refusal after request

(12) If, after receiving a request under subsection (7), the Minister refuses to make an order, the Minister shall notify the person who made the request of his or her decision and shall give the person reasons for the decision.

Notice of order

(13) The Minister shall give a copy of an order under this section, together with the reasons for it, to the proponent, to the person, if any, who requested an order and to such other persons as the Minister considers advisable.

Change to project

(14) If a proponent of a Part II.4 project wishes to make a change to the project after it has satisfied the prescribed requirements for commencing the project, the Minister may make an order under this section with respect to the change and this section shall apply with necessary modifications to such an order.

Amendment of subs. (3) order

(15) The Minister may, in accordance with the regulations, if any, amend any order made under subsection (3), regardless of whether the order was made before or after section 30 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force.

31 Subsection 19 (1) of the Act is amended by striking out "subsection 7.2 (3)" and substituting "subsection 17.13 (3)".

32 Section 22 of the Act is amended,

(a) by striking out "subsection 7.2 (2)" and substituting "subsection 17.13 (2)"; and

(b) by striking out "undertaking" and substituting "project".

33 Section 23.1 of the Act is amended by striking out "Subject to section 11.2" at the beginning and substituting "Subject to section 17.22".

34 The French version of subsection 25 (1) of the Act is amended by striking out "études, examens, enquêtes, épreuves et recherches" and substituting "arpentages, examens, enquêtes, tests, analyses et recherches".

35 (1) Clause 28 (a) of the Act is amended by striking out "an undertaking" and substituting "an undertaking or a designated project".

(2) Clause 28 (a) of the Act, as amended by subsection (1), is amended by striking out "an undertaking or".

(3) Clause 28 (b) of the Act is amended by striking out "subsection 12.2 (2) or (6)" at the end and substituting "subsection 12.2 (2) or (6) or 15.1.2 (2) or (6)".

(4) Clause 28 (b) of the Act, as amended by subsection (3), is amended by striking out "subsection 12.2 (2) or (6) or 15.1.2 (2) or (6)" at the end and substituting "subsection 15.1.2 (2) or (6), 17.27 (2) or (6) or 17.30 (2) or (6)".

(5) Clause 28 (b) of the Act, as amended by subsection (4), is amended by striking out "15.1.2 (2) or (6)".

36 (1) Subsection 30 (1) of the Act is amended by striking out "and for every application submitted under Part II.1" at the end.

(2) Subsection 30 (1) of the Act, as amended by subsection (1), is repealed and the following substituted:

Record

(1) The Director shall maintain a record for every project in respect of which an application is submitted under Part II.3.

(3) Paragraphs 2 and 3 of subsection 30 (1.1) of the Act are amended by striking out "or the class environmental assessment, as the case may be" wherever it appears.

(4) Paragraph 4 of subsection 30 (1.1) of the Act is amended by striking out "subsections 6.4 (2) and 7.2 (2)" at the end and substituting "subsections 17.9 (2) and 17.13 (2)".

(5) Paragraph 3 of subsection 30 (2) of the Act is repealed and the following substituted:

3. An undertaking in respect of which an order under section 16 is proposed or a Part II.4 project in respect of which an order under section 17.31 is proposed.

(6) Paragraph 3 of subsection 30 (2) of the Act, as re-enacted by subsection (5), is repealed and the following substituted:

3. A Part II.4 project in respect of which an order under section 17.31 is proposed.

(7) Subsection 30 (3) of the Act is repealed and the following substituted:

Inspection

(3) Upon request, the Director shall make available on a website or in such other manner as the Director considers appropriate any record referred to in this section including any document that forms part of the record and shall make a document available as soon as practicable after a document is issued or received.

37 (1) The French version of clause 31 (1) (h) of the Act is repealed and the following substituted:

h) prendre les arrangements qu'il estime nécessaires, y compris faire des enquêtes, des arpentages, des examens, des tests ou des analyses;

(2) Paragraph 2 of subsection 31 (3) of the Act is amended by striking out "subsection 9 (1)" at the end and substituting "subsection 17.15 (1)".

(3) Subsection 31 (3) of the Act is amended by adding the following paragraph:

3.1 The power to review decisions of the Tribunal under subsections 11.2 (1) and (1.1).

(4) Paragraph 3.1 of subsection 31 (3) of the Act, as enacted by subsection (3), is repealed and the following substituted:

3.1 The power to review decisions of the Tribunal under subsections 17.22 (1) and (2).

(5) Paragraph 4 of subsection 31 (3) of the Act is repealed and the following substituted:

4. The power under section 17.24 to reconsider a decision. However, the Minister may make a delegation to the Tribunal as provided in that section or in respect of the power to issue an order under subsection 17.24 (4).

(6) Paragraph 5 of subsection 31 (3) of the Act is repealed.

38 Paragraphs 2 to 4 of subsection 32 (1) of the Act are repealed and the following substituted:

1. Any current or former member of the Executive Council.
2. Any current or former officer, employee or agent of or adviser to the Crown.

3. Any current or former mediator appointed under this Act.

39 The Act is amended by adding the following Part:

PART V.1
TRANSITION

Regulations re transitional matters

38.1 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

Same

(2) A regulation made under subsection (1) may, without limitation,

(a) provide that specified provisions of this Act or regulations as they read immediately before specified provisions of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force continue to apply to a project despite amendments made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*;

(b) provide that all or part of an approved class environmental assessment continues to apply to a project after the day the approval of the class environmental assessment is revoked;

(c) exempt a designated project from any provision of this Act or the regulations.

Conflict

(3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Retroactive effect

(4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed.

Termination of request for s. 16 order

38.2 (1) Subject to subsection (2), any request for the Minister to make an order under section 16 of Part II.1 that was made before the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent and in respect of which no decision has been made as of that day shall be terminated on that day.

Exception

(2) Subsection (1) does not apply in respect of a request for the Minister to make an order under section 16 of Part II.1 on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

40 Part V.1 of the Act, as enacted by section 39, is amended by adding the following section:

Deemed Part II.3 projects, approval

38.3 If approval was given to proceed with an undertaking under Part II as it read before the day section 20 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force or under the predecessor to that Part and the approval was in effect immediately before that day,

(a) the undertaking is deemed to be a Part II.3 project; and

(b) the approval is deemed to be an approval under Part II.3.

41 Part V.1 of the Act, as enacted by section 39, is amended by adding the following sections:

Amendment, etc., by order, transition to Part II.4

38.4 (1) If the Minister considers it appropriate to amend or revoke an approval of a class environmental assessment or amend an approved class environmental assessment in order to facilitate the transition of some or all of the activities covered by the approved class environmental assessment from Part II.1 to Part II.4, the Minister may amend or revoke the approval or amend the approved class environmental assessment.

Same

(2) Section 15.4 does not apply in respect of an amendment under subsection (1).

Deemed Part II.4 projects

38.5 If a proponent was authorized to proceed with an undertaking in accordance with an approved class environmental assessment under Part II.1 on or before the day the approval of the class environmental assessment was revoked, then after that day,

(a) the undertaking is deemed to be a Part II.4 project; and

(b) the proponent is deemed to have satisfied all the prescribed requirements for commencing a Part II.4 project.

Orders under s.16

38.6 (1) If, before the day Part II.1 is repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*, an order was made under subsection 16 (1) of that Part requiring the proponent of an undertaking to comply with Part II before proceeding with the undertaking, then, on and after the day Part II.1 is repealed,

(a) the order is deemed to be an order made under subsection 17.31 (1) of Part II.4 declaring the undertaking to be a Part II.3 project;

(b) the undertaking is deemed to be a Part II.3 project; and

(c) Part II.3 applies with respect to the project.

Same

(2) If, before the day Part II.1 is repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*, an order was made under subsection 16 (3) of that Part imposing conditions on an undertaking referred to in section 15 that is deemed to be a Part II.4 project under section 38.5, then, on and after the day Part II.1 is repealed, the conditions imposed in the order made under subsection 16 (3) shall continue to apply with respect to the deemed Part II.4 project.

42 (1) The French version of clause 39 (e) of the Act is amended,

(a) by striking out "un projet" and substituting "une proposition"; and

(b) by striking out "de projets" and substituting "de propositions".

(2) Clause 39 (f) of the Act is repealed and the following substituted:

(f) exempting any person, class of persons, undertaking or class of undertakings from this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act, and imposing conditions with respect to the exemptions;

(3) Section 39 of the Act is amended by adding the following clause:

(f.1) defining "substantially commenced" for the purposes of subsection 11.5 (2);

(4) The French version of subclause 39 (g) (iii) of the Act is amended by striking out "un projet" at the beginning and substituting "une proposition".

(5) Section 39 of the Act is amended by adding the following clause:

(g.1) providing that Part II of this Act or specific provisions of an approved class environmental assessment apply in respect of an undertaking designated in a regulation made pursuant to clause (g) and requiring compliance with a Part or process;

(6) Section 39 of the Act, as amended by subsections (1) to (5), is repealed and the following substituted:

Regulations, general

39 The Lieutenant Governor in Council may make regulations,

(a) governing anything that is required or permitted to be prescribed or that is required or permitted to be done by, or in accordance with, the regulations or as authorized, specified or provided in the regulations;

(b) defining any body as a public body for the purposes of this Act;

(c) defining "ancillary" for the purposes of subsections 3 (3) and (4);

(d) defining "substantially commenced" for the purposes of subsection 17.25 (2);

(e) exempting any person, class of persons, undertaking, class of undertakings, project or class of project from this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act, and imposing conditions with respect to the exemptions;

(f) authorizing the Director to extend any deadline or period of time established under this Act, other than a deadline or period of time established under section 16.1 or subsection 17.31 (5), in such circumstance as may be prescribed or in such circumstances as the Director considers appropriate, whether or not the deadline has passed or the period has expired;

(g) providing that an approved class environmental assessment or a specific provision of an approved class environmental assessment applies in respect of an undertaking, class or undertakings proponent or class of proponents;

(h) prescribing the method of determining any deadline that is to be prescribed under this Act;

(i) respecting anything that the Lieutenant Governor in Council considers necessary or advisable for the purposes of this Act.

(7) Clause 39 (e) of the Act, as re-enacted by subsection (6), is amended by striking out "undertaking, class of undertakings".

(8) Clause 39 (g) of the Act, as re-enacted by subsection (6), is repealed.

43 The Act is amended by adding the following section:

Regulations, Part II.4

40 (1) The Lieutenant Governor in Council may make regulations governing Part II.4 projects, including regulations,

(a) governing the prescribed requirements for commencing a Part II.4 project that are referred to in subsection 17.29 (1), including the environmental assessment process that must be completed before proceeding with the project;

(b) respecting the commencement of Part II.4 projects and defining "commencing" for the purposes of subsection 17.29 (1);

(c) specifying a time period that a person must wait before proceeding with a Part II.4 project after the prescribed requirements for commencing the project have been satisfied;

(d) specifying a deadline for substantially commencing a Part II.4 project;

(e) governing the prescribed requirements for proceeding with a Part II.4 project that are referred to in subsection 17.29 (5);

(f) requiring studies and consultations to be carried out in relation to Part II.4 projects and respecting the manner in which the studies and consultations are to be carried out;

(g) requiring information in relation to Part II.4 projects and in relation to the studies and consultations referred to in clause (f) to be made available to the public;

(h) requiring proponents of a Part II.4 project to maintain records and documents in relation to the project;

(i) requiring persons to satisfy prescribed conditions in order to mitigate any adverse effects of a Part II.4 project;

(j) specifying changes that may be made to a Part II.4 project after the prescribed requirements for commencing the project have been satisfied and specifying rules and procedures that persons must follow in order to make the changes, including complying with such conditions as may be specified by the Director;

(k) governing orders that may be made by the Minister under section 17.31, including prescribing deadlines for the making of such orders and respecting amendments that may be made under subsection 17.31 (15) to an order made under subsection 17.31 (3);

(l) respecting any other matter that the Lieutenant Governor may consider necessary or advisable for the purposes of this Part.

Same

(2) A regulation under clause (1) (a) respecting the environmental assessment process that must be completed before proceeding with a Part II.4 project may require persons to,

(a) consider alternatives to a proposed project and alternative methods of carrying out a project;

(b) conduct studies as part of an environmental assessment;

(c) carry out consultations with the public, aboriginal communities, government bodies and municipalities;

(d) give notice to the public or to specified persons and make information available to the public with respect to a proposed project, the studies referred to in clause (b) or the consultations required under clause (c);

(e) maintain records and documents in relation to an environmental assessment.

44 Section 43 of the Act is repealed.

CONSEQUENTIAL AMENDMENTS

Cap and Trade Cancellation Act, 2018

45 Subsection 4 (4) of the *Cap and Trade Cancellation Act, 2018* is repealed.

Capital Investment Plan Act, 1993

46 (1) Paragraph 2 of subsection 2 (1) of the *Capital Investment Plan Act, 1993* is repealed.

(2) Subsection 2 (5) of the Act is amended by striking out "three corporations" and substituting "two corporations".

(3) Subsection 3 (2) of the Act is repealed.

(4) Part III of the Act is repealed.

(5) Sections 55 and 56 of the Act are repealed.

City of Toronto Act, 2006

47 (1) Subsection 411.1 (7) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Activities deemed not to be undertaking

(7) An enterprise, proposal, plan, activity or program of the corporation or of the City as it relates to the corporation is deemed not to be an undertaking or designated project to which the *Environmental Assessment Act* applies unless it is specifically designated as a designated project under section 3 of that Act or it is an undertaking to which a class environmental assessment applies pursuant to a regulation made under clause 39 (g) of that Act.

(2) Subsection 411.1 (7) of the Act, as re-enacted by subsection (1), is repealed and the following substituted:

Activities deemed not to be undertaking

(7) An enterprise, proposal, plan, activity or program of the corporation or of the City as it relates to the corporation is deemed not to be a designated project to which the *Environmental Assessment Act* applies unless it is specifically designated as a designated project under section 3 of that Act.

Clean Water Act, 2006

48 Subsection 95 (2) of the *Clean Water Act, 2006* is repealed.

Electricity Act, 1998

49 Section 25.32.1 of the *Electricity Act, 1998* is repealed.

Endangered Species Act, 2007

50 Subsection 20.8 (6) of the *Endangered Species Act, 2007* is repealed.

Environmental Bill of Rights, 1993

51 (1) Subsection 32 (2) of the *Environmental Bill of Rights, 1993* is repealed and the following substituted:

Same

(2) Section 22 does not apply where, in the minister's opinion, the issuance, amendment or revocation of an instrument would be a step towards implementing an undertaking that has been exempted from the *Environmental Assessment Act*,

(a) by a regulation made under that Act; or

(b) under section 15.3 of that Act.

(2) Section 32 of the Act, as amended by subsection (1), is repealed and the following substituted:

Exception: instruments in accordance with statutory decisions

32 (1) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing an undertaking or a project that,

(a) has been approved by a decision made by a tribunal under an Act after affording an opportunity for public participation;

(b) has been approved to proceed by a decision made under the *Environmental Assessment Act*; or

(c) has satisfied the prescribed requirements for commencing the Part II.4 project under Part II.4 of the *Environmental Assessment Act*.

Same

(2) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing an undertaking or a project,

(a) that has been exempted from the *Environmental Assessment Act* by a regulation made under that Act; or

(b) that has been exempted from the *Environmental Assessment Act* pursuant to section 15.3 of that Act.

Same

(3) A decision about a class of undertakings or a class of projects is a decision about each undertaking or project in the class for the purposes of clause (1) (a) or (b).

Same

(4) An exemption of a class of undertakings or class of projects under the *Environmental Assessment Act* is an exemption of each undertaking or project in the class for the purposes of subsection (2).

(3) Subsection 32 (1) of the Act, as re-enacted by subsection (2), is amended by striking out "an undertaking or" in the portion before clause (a).

(4) Subsection 32 (2) of the Act, as re-enacted by subsection (2), is repealed and the following substituted:

Same

(2) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing a project that has been exempted from the *Environmental Assessment Act* by a regulation made under that Act.

(5) Subsection 32 (3) of the Act, as re-enacted by subsection (2), is repealed and the following substituted:

Same

(3) A decision about a class of projects is a decision about each project in the class for the purposes of clause (1) (a).

(6) Subsection 32 (4) of the Act, as enacted by subsection (2), is repealed and the following substituted:

Same

(4) An exemption of a class of projects under the *Environmental Assessment Act* is an exemption of each project in the class for the purposes of subsection (2).

Transition

(5) Subsection (2), as it read on the day before the day subsection 51 (4) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to a proposal to issue, amend or revoke an instrument on or after that day where, in the Minister's opinion, the issuance, amendment or revocation of the instrument would be a step in implementing an undertaking that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

(a) was an undertaking within the meaning of the *Environmental Assessment Act*;

(b) was exempted from the *Environmental Assessment Act* by a regulation made under that Act or pursuant to section 15.3 of that Act; and

(c) had commenced proceeding.

(7) The Act is amended by adding the following section immediately before the heading "Ministerial Role after Giving Notice of a Proposal":

Exception: *COVID-19 Economic Recovery Act, 2020*

33.1 The requirements of this Part are deemed not to have applied with respect to the amendments made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

(8) Section 33.1 of the Act, as enacted by subsection (7), is repealed.

Environmental Protection Act

52 (1) Subsection 20.6 (3) of the *Environmental Protection Act* is amended by striking out "Subsection 12.2 (2)" at the beginning and substituting "Subsections 12.2 (2) and 15.1.2 (2)".

(2) Subsection 20.6 (3) of the Act, as amended by subsection (1), is amended by striking out "Subsections 12.2 (2) and 15.1.2 (2)" at the beginning and substituting "Subsections 15.1.2 (2) , 17.27 (2) and 17.30 (2)".

(3) Subsection 20.6 (3) of the Act, as amended by subsection (2), is amended by striking out "15.1.2 (2)".

(4) Subclause 176 (9.1) (b) (i) of the Act is amended by adding "as those Parts read before the day the *COVID-19 Economic Recovery Act, 2020* received Royal Assent" after "*Environmental Assessment Act*".

Far North Act, 2010

53 Subsections 7 (8), 8 (4), 9 (19) and 13 (5) of the *Far North Act, 2010* are repealed.

Great Lakes Protection Act, 2015

54 Subsection 35 (2) of the *Great Lakes Protection Act, 2015* is repealed.

Highway 407 Act, 1998

55 (1) Paragraph 1 of subsection 1 (2) of the *Highway 407 Act, 1998* is repealed and the following substituted:

1. The lands must not exceed a width sufficient to accommodate 10 highway lanes, a median, and the additional lands required for infrastructure that is essential to the design, construction, use and safety of the highway constructed along the route that was, on October 19, 1998, exempt or approved under the *Environmental Assessment Act* between,
   i. the intersection of Highway 407 and the Queen Elizabeth Way in the City of Burlington, and
   ii. Highway 7 east of Brock Road in the Town of Pickering.

(2) Subsection 47 (1) of the Act is repealed.

(3) Section 47 of the Act is amended by adding the following subsection:

Same

(1.1) Part II.3 of the *Environmental Assessment Act* applies to any part of the Highway 407 undertaking that is a Part II.3 project.

(4) Subsection 47 (1.1) of the Act, as enacted by subsection (3), is repealed.

(5) Subsection 47 (2) of the Act is repealed and the following substituted:

Same

(2) Despite subsection (1), the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the undertaking, including a Part II.3 project under the *Environmental Assessment Act* that is part of the undertaking.

(6) Subsection 47 (2) of the Act, as re-enacted by subsection (5), is repealed and the following substituted:

Minister as proponent

(2) If a designated project under the *Environmental Assessment Act* relates to the management of Highway 407, the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the designated project.

(7) Subsection 47 (3) of the Act is repealed.

(8) Paragraph 2 of subsection 47 (4) of the Act is repealed.

(9) Subsections 47 (4), (5) and (6) of the Act are repealed.

Housing Services Act, 2011

56 Paragraph 3 of subsection 167 (1) of the *Housing Services Act, 2011* is repealed.

Kawartha Highlands Signature Site Park Act, 2003

57 (1) Subsection 10 (7) of the *Kawartha Highlands Signature Site Park Act, 2003* is amended by striking out "the requirements" and substituting "any requirements".

(2) Subsection 17 (2) of the Act is amended by striking out "the requirements" and substituting "any requirements".

(3) Section 21 of the Act is repealed.

Lake Simcoe Protection Act, 2008

58 Subsection 22 (2) of the *Lake Simcoe Protection Act, 2008* is repealed.

Metrolinx Act, 2006

59 (1) Subsection 31.1 (18) of the *Metrolinx Act, 2006* is repealed.

(2) Subsection 39 (1) of the Act is repealed.

(3) Subsection 39 (2) of the Act is repealed.

(4) Subsection 39 (3) of the Act is repealed.

More Homes, More Choice Act, 2019

60 (1) Section 6 of Schedule 6 to the *More Homes, More Choice Act, 2019* is repealed.

(2) Subsection 7 (2) of Schedule 6 to the Act is repealed.

(3) Subsection 9 (2) of Schedule 6 to the Act is repealed.

Places to Grow Act, 2005

61 Subsection 17 (2) of the *Places to Grow Act, 2005* is repealed.

Planning Act

62 (1) Subsection 62 (1) of the *Planning Act* is repealed and the following substituted:

Not subject to Act

(1) An undertaking or Part II.3 project of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006*.

(2) Subsection 62 (1) of the Act, as amended by subsection (1), is repealed and the following substituted:

Not subject to Act

(1) A Part II.3 project of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006*.

(3) Section 62 of the Act is amended by adding the following subsection:

Transition

(3) Subsection (1), as it read on the day before the day subsection 62 (2) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking approved under Part II.1 of the *Environmental Assessment Act* before the day Part II.1 of that Act was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

(4) Subsection 62.0.1 (1) of the Act is repealed and the following substituted:

Exempt projects, undertakings, etc.

(1) Any project, class of projects, undertaking or class of undertakings within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

(a) any of the following applies with respect to the project, class of projects, undertaking or class or undertakings:

(i) it is approved under Part II.1 or Part II.3 of the *Environmental Assessment Act*,

(ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,

(iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or

(iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and

(b) a regulation made under clause 70 (h) prescribing the project, class of projects, undertaking or class of undertakings for the purposes of this subsection is in effect.

(5) Subsection 62.0.1 (1) of the Act, as re-enacted by subsection (4), is repealed and the following substituted:

Exempt projects

(1) Any project or class of projects within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

(a) any of the following applies with respect to the project or class of projects:

(i) it is approved under Part II.3 of the *Environmental Assessment Act*,

(ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,

(iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or

(iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and

(b) a regulation made under clause 70 (h) prescribing the project or class of projects for the purposes of this subsection is in effect.

(6) Subsection 62.0.1 (2) of the Act is repealed.

(7) Section 62.0.1 of the Act is amended by adding the following subsections:

Transition

(2) Subsection (1), as it read on the day before the day subsection 62 (5) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking or class of undertakings that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

(a) was approved under Part II.1 of the *Environmental Assessment Act*;

(b) was the subject of an order under section 3.1 of the *Environmental Assessment Act* or of a declaration under section 3.2 of that Act; or

(c) was exempted from the *Environmental Assessment Act* by a regulation made under that Act.

Same, regulations

(3) For the purposes of the continued application of subsection (1) under subsection (2),

(a) the Lieutenant Governor in Council may make regulations prescribing undertakings or classes of undertakings that relate to energy and are referred to in subsection (2); and

(b) a regulation made under clause (a) is deemed to be a regulation made under clause 70 (h) for the purposes of the continued application of clause (1) (b).

(8) Clause 70 (h) of the Act is repealed and the following substituted:

(h) for the purposes of section 62.0.1, prescribing a project, class of projects, an undertaking or class of undertakings that relates to energy.

(9) Clause 70 (h) of the Act, as re-enacted by subsection (8), is repealed and the following substituted:

(h) for the purposes of section 62.0.1, prescribing a project or class of projects that relates to energy.

Public Lands Act

63 Subsection 12.2 (5) of the *Public Lands Act* is repealed.

Resource Recovery and Circular Economy Act, 2016

64 (1) Section 7 of the *Resource Recovery and Circular Economy Act, 2016* is repealed.

(2) Subsection 11 (10) of the Act is repealed.

Safe Drinking Water Act, 2002

65 (1) Subsection 37 (3) of the *Safe Drinking Water Act, 2002* is amended by striking out "Subsection 12.2 (2)" at the beginning and substituting "Subsections 12.2 (2) and 15.1.2 (2)".

(2) Subsection 37 (3) of the Act, as amended by subsection (1), is amended by striking out "Subsections 12.2 (2) and 15.1.2 (2)" at the beginning and substituting "Subsections 15.1.2 (2), 17.27 (2) and 17.30 (2)".

(3) Subsection 37 (3) of the Act, as amended by subsection (2), is amended by striking out "15.1.2 (2)".

(4) Subsection 41 (3) of the Act is amended by striking out "Subsection 12.2 (2)" at the beginning and substituting "Subsections 12.2 (2) and 15.1.2 (2)".

(5) Subsection 41 (3) of the Act, as amended by subsection (4), is amended by striking out "Subsections 12.2 (2) and 15.1.2 (2)" at the beginning and substituting "Subsections 15.1.2 (2), 17.27 (2) and 17.30 (2)".

(6) Subsection 41 (3) of the Act, as amended by subsection (5), is amended by striking out "15.1.2 (2)".

COMMENCEMENT

Commencement

66 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Subsection 51 (8) comes into force 30 days after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) The following provisions of this Schedule come into force on a day to be named by proclamation of the Lieutenant Governor:

1. **Subsections 1 (1), (3) to (8) and (10), 3 (2), 4 (2) and (3) and 5 (3) to (7).**
2. **Sections 6, 7, 17 and 20.**
3. **Subsections 21 (2) to (4),**
4. **Section 22.**
5. **Subsections 25 (2) and (3).**
6. **Sections 26 and 28 to 33.**
7. **Subsections 35 (1), (2), (4) and (5), 36 (2) and (4) to (6), 37 (2) and (4) to (6).**
8. **Sections 40 and 41.**
9. **Subsections 42 (3) and (6) to (8).**
10. **Sections 43 to 45.**
11. **Subsection 46 (5).**
12. **Sections 47 to 50.**
13. **Subsections 51 (2) to (6) and 52 (2) and (3).**
14. **Sections 53 and 54.**
15. **Subsections 55 (2) to (9).**
16. **Sections 56 to 59 and 61 to 64.**

17. Subsections 65 (2), (3), (5) and (6).

SCHEDULE 7
FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

1 The *Farm Registration and Farm Organizations Funding Act, 1993* is amended by adding the following section:

Appeal to Tribunal

2.1 (1) A person who has been denied a farming business registration number may appeal to the Tribunal by providing written notice to the Tribunal and the Director within 30 days after receiving notice of the Director's decision respecting the denial.

Extension of time

(2) The Tribunal may extend the time for providing the notice of appeal, either before or after the expiry of that time, if it is satisfied that there are apparent grounds for appeal and that there are reasonable grounds for applying for the extension.

Record

(3) As soon as reasonably possible in the circumstances after receiving notice of the appeal, the Director shall provide the Tribunal with a copy of,

(a) all materials the appellant provided when making the request for a farming business registration number; and

(b) the Director's decision to deny the farming business registration number.

Parties

(4) The parties to an appeal under this section are the appellant and the Director.

Powers of Tribunal

(5) The Tribunal shall review the Director's determination and,

(a) if the Tribunal finds that the Director's determination was reasonable, it shall confirm the decision; and

(b) if the Tribunal finds that the Director's determination was not reasonable, it shall alter the Director's decision or direct the Director to do any act that the Director is authorized to do under this Act and that the Tribunal considers proper.

2 The Act is amended by adding the following section:

Continued eligibility to receive special funding

17.1 (1) If the Tribunal determines that the francophone organization continues to meet the conditions for eligibility set out in subsection 12 (1), the Tribunal shall, by order, declare that it continues to be eligible for special funding.

Term of eligibility

(2) The francophone organization shall receive special funding under this section for the prescribed period of time.

3 Subsection 33 (2) of the Act is amended by adding the following clause:

(p.1) governing how documents are to be given or served under this Act, including providing rules for when they are deemed to be received;

COMPLEMENTARY AMENDMENT AND COMMENCEMENT

Restoring Ontario's Competitiveness Act, 2019

4 Section 11 of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019* is repealed.

Commencement

5 (1) Subject to subsections (2) and (3), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 3 comes into force on the later of the day section 35 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) Section 4 comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 8
JUSTICES OF THE PEACE ACT

1 (1) Section 2 of the *Justices of the Peace Act* is amended by adding the following subsections:

Qualifications

(1.1) No person shall be appointed as a justice of the peace under subsection (1) unless he or she has performed paid or volunteer work equivalent to at least 10 years of full-time experience and,

(a) has a university degree;

(b) has a diploma or advanced diploma granted by a college of applied arts and technology or a community college following completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters;

(c) has a degree from an institution, other than a university, that is authorized to grant the degree,

(i) under the *Post-secondary Education Choice and Excellence Act, 2000*,

(ii) under a special Act of the Assembly that establishes or governs the institution, or

(iii) under legislation of another province or territory of Canada;

(d) has successfully completed a program designated as an equivalency under subsection (1.2); or

(e) meets the equivalency requirement set out in subsection (1.3).

Equivalency programs

(1.2) For the purposes of clause (1.1) (d), the Attorney General may designate programs that involve training in the justice system, including programs designed to enhance diversity in the justice system, as programs that meet the educational equivalency requirement, and shall make the list of programs so designated public.

Exceptional qualifications

(1.3) For the purposes of clause (1.1) (e), a candidate may be considered to have met the equivalency requirement if he or she clearly demonstrates exceptional qualifications, including life experience, but does not have the educational requirements set out in clauses (1.1) (a) to (d).

(2) Section 2 of the Act is amended by adding the following subsections:

Information to be maintained in confidence

(5) Any records or other information collected, prepared, maintained or used by the Attorney General in relation to the appointment or consideration of an individual as a justice of the peace, including any such records or other information provided to the Attorney General by the Justices of the Peace Appointments Advisory Committee, shall be maintained in confidence and shall not be disclosed except as authorized by the Attorney General.

Prevails over FIPPA

(6) Subsection (5) prevails over the *Freedom of Information and Protection of Privacy Act*.

2 Section 2.1 of the Act is repealed and the following substituted:

Justices of the Peace Appointments Advisory Committee

Composition and governance

2.1 (1) The committee known as the Justices of the Peace Appointments Advisory Committee in English and Comité consultatif sur la nomination des juges de paix in French is continued.

Composition

(2) The Committee is composed of three core members as follows:

1. A judge of the Ontario Court of Justice, or a justice of the peace, appointed by the Chief Justice of the Ontario Court of Justice.
2. A justice of the peace appointed by the Chief Justice of the Ontario Court of Justice who is either the Senior Indigenous Justice of the Peace or another justice of the peace familiar with Indigenous issues or, when the justice of the peace so appointed is not available to act as a member of the Committee, another justice of the peace familiar with Indigenous issues who is designated by the Chief Justice of the Ontario Court of Justice.
3. One person appointed by the Attorney General.

Regional members

(3) In addition to the core members appointed under subsection (2), the Committee shall include the following regional members in respect of its functions in a particular region:

1. The regional senior justice of the peace for the region or, when he or she is not available to act as a member of the Committee, another justice of the peace from the same region who is designated by the regional senior judge.
2. Up to three persons appointed by the Attorney General.
3. A licensee within the meaning of the *Law Society Act* in the region appointed by the Attorney General from a list of three names submitted to the Attorney General by the Law Society of Ontario.

Criteria

(4) In the appointment of members under paragraph 3 of subsection (2) and paragraph 2 of subsection (3), the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

Regional leads

(5) The Attorney General shall designate a regional lead for each region from among the regional members for that region.

Term of office

(6) The members appointed under paragraph 3 of subsection (2) and under paragraphs 2 and 3 of subsection (3) hold office for three-year terms and may be reappointed.

Chair

(7) The Attorney General shall designate one of the core members to chair the Committee for a term of up to three years.

Term of office

(8) The same person may serve as chair for two or more terms.

Chair votes

(9) The chair is entitled to vote and may cast a second, deciding vote if there is a tie.

Meetings

(10) The Committee may hold its meetings and conduct interviews in person or through electronic means, including telephone conferencing and video conferencing.

Employees

(11) Such employees as are considered necessary for the proper conduct of the affairs of the Committee may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Annual report

(12) The Committee shall prepare an annual report, provide it to the Attorney General and make it available to the public.

Same

(13) The annual report must include,

(a) statistics about the sex, gender, gender identity, sexual orientation, race, ethnicity, cultural identity, disability status and ability to speak French of candidates who volunteer that information, including whether the candidates identify as Indigenous or as a member of a Francophone community, at each stage of the process, as specified by the Attorney General; and

(b) such other content as the Attorney General may require.

Tabling of annual report

(14) The Attorney General shall table the Committee's annual report in the Assembly.

Information to be maintained in confidence

(15) Any records or other information collected, prepared, maintained or used by the Committee in relation to the consideration of an individual for appointment as a justice of the peace shall be maintained in confidence and shall not be disclosed except as authorized by the chair of the Committee.

Personal liability

(16) No action or other proceeding for damages shall be instituted against any member or former member of the Committee for any act done in good faith in the execution or intended execution of any power or duty that he or she has or had as a member of the Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty.

Crown liability

(17) Subsection (16) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (16) to which it would otherwise be subject.

Justices of the Peace Appointments Advisory Committee

Functions and manner of operating

2.2 (1) The functions of the Justices of the Peace Appointments Advisory Committee are to,

(a) classify candidates for appointment as justices of the peace;

(b) report on the classifications to the Attorney General; and

(c) provide advice to the Attorney General respecting the process for appointing justices of the peace in accordance with this Act.

Manner of operating

(2) The Committee shall perform its functions in the following manner:

1. It shall determine the skills, abilities and personal characteristics that are desired in a justice of the peace and make them available to the public.
2. It shall develop a candidate application form that specifies what supporting material is required, and it shall make the form available to the public.
3. It shall develop the application procedure and make information about it available to the public.
4. On the request of the Attorney General, it shall advertise for applications for vacant justice of the peace positions.
5. It shall review and evaluate all applications received in response to the advertisement.
6. It may interview any of the candidates in conducting its review and evaluation.
7. It shall conduct the advertising, review and evaluation process in accordance with the criteria it establishes, which must, at minimum, provide for an assessment that,
    i. assesses the candidates' professional excellence, community awareness and personal characteristics, and
    ii. recognizes the desirability of reflecting the diversity of Ontario society in appointments of justices of the peace.
8. It shall make the criteria it established under paragraph 7 available to the public.
9. It shall classify the candidates as "Not Recommended", "Recommended" or "Highly Recommended" and provide a list of the classified candidates to the Attorney General, with brief supporting reasons for the candidates classified as "Recommended" or "Highly Recommended".

Qualifications

(3) The Committee shall not consider an application by a candidate,

(a) who does not meet the qualifications set out in subsection 2 (1.1); or

(b) who is or was a member of the Committee within the previous three years.

Chair consent required re interview, classification

(4) The interview of a candidate shall not be conducted, and a meeting for the making of a decision under paragraph 9 of subsection (2) shall not be held, without the consent of the chair of the Committee.

Quorum for interview

(5) If the Committee interviews a candidate, the interview must be conducted by at least three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2).

Quorum re classification

(6) The quorum for decisions under paragraph 9 of subsection (2) is three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2).

Information to be provided to Attorney General on request

(7) The Committee shall provide the Attorney General with any information about the application, review and evaluation process that the Attorney General requests, other than information collected or prepared by the Committee through a discreet inquiry.

Meaning of discreet inquiry

(8) For the purposes of subsection (7), a discreet inquiry is a confidential inquiry conducted by the Committee into the views or opinions of individuals with knowledge of a candidate's suitability for appointment.

Recommendation of criteria

(9) The Attorney General may recommend criteria to be included in the criteria the Committee establishes under paragraph 7 of subsection (2), and the Committee shall consider whether to include those criteria in the criteria it has established.

Rejection of list

(10) The Attorney General may reject the list of classified candidates provided by the Committee under subsection (2).

Reconsideration or re-advertisement

(11) If the Attorney General rejects the list of classified candidates provided by the Committee, or if there are not enough candidates who are classified as "Recommended" or "Highly Recommended" for the number of vacant justice of the peace positions, the Committee shall either reconsider the applicants and provide a new list to the Attorney General in accordance with paragraph 9 of subsection (2) or re-advertise for applications, as the chair of the Committee considers appropriate.

Recommendation by Attorney General

(12) The Attorney General shall only recommend a candidate who has been classified as "Recommended" or "Highly Recommended" to the Lieutenant Governor in Council to fill a justice of the peace vacancy.

Transition

(13) Despite this section, subsections 2.1 (2) and (12) to (18) of this Act, as they read immediately before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force, continue to apply to any vacancy that was advertised by the Committee before that day.

Transitional matters re Justices of the Peace Appointments Advisory Committee

Appointments continued

2.3 (1) Subject to subsection (2), the appointment of every person who was a member of the Justices of the Peace Appointments Advisory Committee on the day before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force is continued.

Termination without cause

(2) The Attorney General may terminate the appointment of any member of the Committee whose appointment was continued by subsection (1), without cause, for the purpose of transitioning the Committee's composition to the composition specified in subsections 2.1 (2) and (3).

No compensation or damages

(3) No person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020*.

No cause of action

(4) No cause of action arises against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown as a direct or indirect result of the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020*.

Proceedings barred

(5) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* may be brought or maintained against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown.

Application

(6) Subsection (5) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings.

Retrospective effect

(7) Subsections (5) and (6) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Proceedings set aside

(8) Any proceeding referred to in subsection (5) or (6) commenced before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force shall be deemed to have been dismissed, without costs, on the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 9
MARRIAGE ACT

1 Section 27 of the *Marriage Act* is amended by adding the following subsection:

Extension — declaration of emergency

(4) Despite subsection (3), the period in which a marriage may be solemnized under the authority of a licence is extended in accordance with Schedule 1 (Extension — Declaration of Emergency) if Schedule 1 applies.

2 The Act is amended by adding the following Schedule:

SCHEDULE 1
EXTENSION — DECLARATION OF EMERGENCY

With respect to a licence issued during the period described in paragraph 1, if all of the conditions listed in paragraph 2 are met, the period in which a marriage may be solemnized under the authority of the licence is extended to the period described in paragraph 3:

1. The period in which the licence was issued is the period,
    i. beginning on the first day of a month that is three months prior to a month in which a declaration was made under the *Emergency Management and Civil Protection Act* that an emergency exists throughout Ontario, and
    ii. ending on the first day following the declaration of emergency on which there is not a period of emergency throughout Ontario under the *Emergency Management and Civil Protection Act*.

For greater certainty, this includes the period beginning on December 1, 2019 in respect of the emergency that was declared on March 17, 2020 under the *Emergency Management and Civil Protection Act*.

2. The conditions that must be met are:
    i. The parties to the marriage have not married each other since the licence was issued.
    ii. Neither party to the marriage has married anyone else since the licence was issued.
    iii. Neither party to the marriage has legally changed their name since the licence was issued.
3. The period in which a marriage may be solemnized under the authority of the licence is the period beginning on the day the licence was issued and ending 24 months after the day described in subparagraph 1 ii.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

1 The *Ministry of Municipal Affairs and Housing Act* is amended by adding the following section:

Provincial Land and Development Facilitator

12 (1) The office to be known as the Provincial Land and Development Facilitator in English and Facilitateur provincial de l'aménagement in French is established.

Same

(2) The Minister may appoint the Facilitator and fix their terms of reference.

Functions

(3) The Facilitator shall, at the direction of the Minister,

(a) advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests; and

(b) perform such other functions as the Minister may specify.

Remuneration and expenses

(4) The Lieutenant Governor in Council may determine the remuneration and expenses of any person appointed under subsection (2).

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 11
MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

Preamble

Ontario is committed to fostering a strong business climate that supports growth while ensuring appropriate regulatory oversights that protect the public, workers and the environment.

Ontario recognizes that modern regulations protect the public interest, including health, safety and the environment, while enabling economic growth, prosperity and a competitive business climate.

As a part of Ontario's regulatory modernization efforts, the province is committed to reducing unnecessary red tape and regulatory burdens while also ensuring the public interest is protected, and to supporting business needs and ensuring that interactions with government are efficient and straightforward.

Ontario is dedicated to a regulatory environment that considers both costs and benefits as part of the evidence, utilizes recognized standards, considers the unique needs of small businesses, provides digital options and recognizes businesses with excellent compliance records.

INTERPRETATION

Definitions

1 (1) In this Act,

"administrative cost" means a cost that is imposed on a regulated entity as a consequence of complying with a regulation, policy or form and that is prescribed for the purposes of this definition; ("frais administratifs")

"burden" means a cost that may be measured in terms of money, time or resources and is considered by the Minister in consultation with other members of the Government of Ontario to be unnecessary to achieve the purpose of the statutory, regulatory, procedural, administrative or other requirement that creates the cost; ("fardeau administratif")

"instrument governed by this Act" means,

(a) subject to any prescribed exceptions, a draft bill before its introduction in the Legislature,

(b) subject to any prescribed exceptions, a regulation made or approved by a minister or the Lieutenant Governor in Council,

(c) subject to any prescribed exceptions, any policy or form made by a minister, and

(d) any other instrument that may be prescribed; ("acte régi par la présente loi")

"Minister" means the Minister of Economic Development, Job Creation and Trade or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; ("ministre")

"prescribed" means prescribed by regulations made under this Act; ("prescrit")

"recognized standards" means requirements that have been set by standard development organizations that have been accredited by the Standards Council of Canada, or by similar standard development organizations; ("normes reconnues")

"regulated entity", subject to the regulations, includes every business, trade, occupation, profession, service or venture, whether or not carried on with a view to profit; ("entité réglementée")

Making or proposing an instrument

(2) For greater certainty, a reference in this Act to proposing an instrument governed by this Act includes both proposing a new instrument and proposing an amendment to an existing instrument.

CONTROL OF ADMINISTRATIVE COSTS

Offset of administrative costs

2 (1) Where an instrument governed by this Act that is a regulation, policy or form is made or approved for use and has the effect of creating or increasing one or more administrative costs, a prescribed offset must be made within a prescribed time after the regulation, policy or form is made or approved for use.

Public interest

(2) If an offset required under subsection (1) is proposed to be made or approved for use, the Lieutenant Governor in Council or responsible minister shall, before making or approving the regulation, policy or form, review it to take into account the protection of the public interest, including health, safety and the environment.

Analysis of regulatory impact

3 Where an instrument governed by this Act is proposed, the minister responsible for the administration of the instrument shall ensure that,

(a) in the prescribed circumstances, an analysis of the potential regulatory impact is conducted, including the prescribed administrative costs; and

(b) the analysis is published in the prescribed manner.

Development of instruments

4 (1) When developing an instrument governed by this Act, every minister shall have regard to the following principles:

1. Recognized industry standards or international best practices should be adopted.
2. Less onerous compliance requirements should apply to small businesses than to larger businesses.
3. Digital services that are accessible to stakeholders should be provided.
4. Regulated entities that demonstrate excellent compliance should be recognized.
5. Unnecessary reporting should be reduced, and steps should be taken to avoid requiring stakeholders to provide the same information to government repeatedly.
6. An instrument should focus on the user by communicating clearly, providing for reasonable response timelines and creating a single point of contact.
7. An instrument should specify the desired result that regulated entities must meet, rather than the means by which the result must be achieved.

(2) If the minister responsible for developing the instrument believes that it is not possible or appropriate to comply with subsection (1), a rationale must be provided to the Minister.

ELECTRONIC TRANSMISSION OF DOCUMENTS

Electronic transmission of documents

5 A business that is required, for any reason, to submit documents to a Ministry of the Government of Ontario in order to comply with an instrument governed by this Act may, at the option of the business, submit the documents electronically.

RECOGNITION OF EXCELLENT COMPLIANCE

Recognition of excellent compliance

6 Every Ministry of the Government of Ontario that administers regulatory programs shall develop a plan to recognize businesses that demonstrate excellent compliance with regulatory requirements.

REPORTING

Annual report on burden reduction

7 (1) The Minister shall make available to the public an annual report with respect to,

(a) actions taken by the Government of Ontario to reduce burdens; and

(b) the Government of Ontario's future burden reduction goals.

Publication of report

(2) The Minister shall ensure that the report is,

(a) published on a Government of Ontario website or in such other manner as the Minister considers advisable; and

(b) available to the public on or before September 30 in each year or, if the regulations prescribe another date, on or before the prescribed date in each year.

Tabling

(3) The Minister shall table the annual report in the Legislative Assembly as soon as possible after it is published.

IMMUNITY

Immunity

8 (1) No action or other proceeding shall be commenced against the Crown or any of its agencies with respect to anything done or omitted to be done, or purported to be done or omitted to be done, under this Act.

Validity of instrument

(2) No instrument governed by this Act is invalid by reason only of a failure to comply with any provision of this Act.

REGULATIONS

Regulations, Minister

9 The Minister may make regulations,

(a) providing for exemptions from any requirement under section 5 or 6, and may make such an exemption subject to conditions or limitations;

(b) respecting the report required under section 7, which may include regulations,

(i) specifying any actions to reduce burdens that must be referred to in the report,

(ii) prescribing the manner in which the Minister must evaluate, quantify or describe actions of the Government of Ontario in the report,

(iii) prescribing a date for the purpose of clause 7 (2) (b).

Regulations, LG in C

10 (1) Subject to section 9, the Lieutenant Governor in Council may make regulations respecting anything provided for in this Act and for carrying out the purposes, provisions and intent of this Act.

Same

(2) Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

(a) respecting anything that may be prescribed under this Act;

(b) defining words and expressions used in this Act that are not otherwise defined in this Act;

(c) prescribing costs for the purposes of the definition of "administrative cost" in subsection 1 (1);

(d) further defining or clarifying the definition of "regulated entity" in subsection 1 (1) and providing for exemptions from that definition;

(e) governing how administrative costs are to be measured and offset under section 2, prescribing offsets and setting requirements and formulas for offsets, and establishing time periods for when offsets must be made;

(f) governing the analysis required under section 3, including governing the circumstances when an analysis of the regulatory impact is to be conducted, the scope of the administrative costs to be considered in the analysis of the regulatory impact, and the manner in which the analysis is to be published;

(g) governing the application and interpretation of the principles set out in subsection 4 (1) and when the requirement in that subsection to have regard to a principle has been satisfied;

(h) providing for exemptions from anything under this Act that are not provided for in section 9 and making any such exemption subject to conditions or limitations.

AMENDMENTS TO OTHER ACTS

Burden Reduction Reporting Act, 2014

11 The *Burden Reduction Reporting Act, 2014* is repealed.

Reducing Regulatory Costs for Business Act, 2017

12 The *Reducing Regulatory Costs for Business Act, 2017* is repealed.

COMMENCEMENT AND SHORT TITLE

Commencement

13 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

14 The short title of the Act set out in this Schedule is the *Modernizing Ontario for People and Businesses Act, 2020*.

SCHEDULE 12
MUNICIPAL ACT, 2001

1 (1) Subsection 238 (3.1) of the *Municipal Act, 2001* is repealed and the following substituted:

Electronic participation

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(2) Subsection 238 (3.2) of the Act is repealed.

(3) Subsection 238 (3.3) of the Act is repealed and the following substituted:

Same

(3.3) The applicable procedure by-law may provide that,

(a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and

(b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

(4) Subsection 238 (3.4) of the Act is repealed and the following substituted:

Special meeting, amend procedure by-law re electronic participation

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3).

Same, quorum

(3.5) A member participating electronically in a special meeting described in subsection (3.4) may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 The Act is amended by adding the following section:

Proxy vote

243.1 (1) The procedure by-law may provide that, in accordance with a process to be established by the clerk, a member of council may appoint another member of council as a proxy to act in their place when they are absent subject to the following rules:

1. A member of a local council appointed as an alternate member of the upper-tier council under section 267 may appoint a member of the upper-tier council as a proxy to act in their place when they are absent from the upper-tier council.
2. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 267 shall not appoint a proxy.
3. A member appointed as an alternate member of the upper-tier council under section 268 shall not appoint a proxy.
4. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 268 shall not appoint a proxy if the appointed member is acting on their behalf at the meeting.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection (1):

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
5. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259 (1) (c).

Pecuniary interest

(3) A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

Same, pre-meeting discovery

(4) If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

(a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and

(b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

Same, post-meeting discovery

(5) For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

Conflict, etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 13
OCCUPATIONAL HEALTH AND SAFETY ACT

1 Section 70 of the *Occupational Health and Safety Act* is amended by adding the following subsection:

Rolling incorporation by reference

(3) The power to adopt by reference and require compliance with a code or standard in paragraph 25 of subsection (2) and to adopt by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof in paragraph 26 of subsection (2) includes the power to adopt a code, standard, criteria or guide as it may be amended from time to time.

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 14
ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY ACT

1 The definition of "distance education programs" in section 1 of the *Ontario Educational Communications Authority Act* is repealed and the following substituted:

"distance education programs" means programs to provide courses of study online, through correspondence, or by other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the Education Act or are approved by the Minister of Education; ("programme d'enseignement à distance")

2 Section 3 of the Act is amended by striking out "and" at the end of clause (c) and by adding the following clauses:

(e) to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities; and

(f) to discharge any prescribed duties.

3 The Act is amended by adding the following section:

Support of distance education programs

16.1 The Authority has the prescribed duties and responsibilities to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities.

4 (1) Section 17 of the Act is amended by adding the following clauses:

(0.a) prescribing persons or entities for the purposes of clause 3 (e);

(0.a.1) prescribing duties for the purposes of clause 3 (f);

(2) Clause 17 (b) of the Act is repealed and the following substituted:

(b) prescribing and governing the duties and responsibilities of the Authority in relation to the operation of distance education programs;

(b.1) prescribing and governing the duties and responsibilities of the Authority in relation to supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities;

(3) Section 17 of the Act is amended by adding the following clause:

(f) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act.

(4) Section 17 of the Act is amended by adding the following subsection:

Conflict

(2) In the event of a conflict between a regulation made under this section and this Act, or any other Act or regulation, the regulation made under this section prevails.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 15
ONTARIO FRENCH-LANGUAGE EDUCATIONAL COMMUNICATIONS AUTHORITY ACT, 2008

1 The definition of "distance education programs" in section 1 of the *Ontario French-language Educational Communications Authority Act, 2008* is repealed and the following substituted:

"distance education programs" means programs to provide courses of study online, through correspondence, or by other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the *Education Act* or are approved by the Minister of Education; ("programme d'enseignement à distance")

2 Section 4 of the Act is amended by striking out "and" at the end of clause (c) and by adding the following clauses:

(e) support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities; and

(f) discharge any prescribed duties.

3 The Act is amended by adding the following section:

Support of distance education programs

21.1 The Authority has the prescribed duties and responsibilities to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities.

4 (1) Section 22 of the Act is amended by adding the following clauses:

(0.a) prescribing persons or entities for the purposes of clause 4 (e);

(0.a.1) prescribing duties for the purposes of clause 4 (f);

(2) Clause 22 (b) of the Act is repealed and the following substituted:

(b) prescribing and governing the duties and responsibilities of the Authority in relation to the operation of distance education programs;

(b.1) prescribing and governing the duties and responsibilities of the Authority in relation to supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities;

(3) Section 22 of the Act is amended by adding the following clause:

(f) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act.

(4) Section 22 of the Act is amended by adding the following subsection:

Conflict

(2) In the event of a conflict between a regulation made under this section and this Act, or any other Act or regulation, the regulation made under this section prevails.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 16
PAYDAY LOANS ACT, 2008

1 The *Payday Loans Act, 2008* is amended by adding the following section:

Interest on payday loans in default

32.1 (1) This section applies to a payday loan agreement if,

(a) the advance under the agreement is $1,500 or less or, if another amount is prescribed, that amount or less; and

(b) the term of the agreement is 62 days or less or, if another number of days is prescribed, that number of days or less.

Duty of lender

(2) A lender shall not impose against a borrower under a payday loan agreement, and the borrower is not liable to pay, interest on the amount in default, except as provided for under subsection (3).

Maximum interest

(3) A lender may charge a borrower a maximum interest rate of 2.5 per cent per month, not to be compounded, on the outstanding principal, unless otherwise prescribed.

Duty of loan broker

(4) No loan broker shall facilitate a contravention of subsection (2).

Consequence

(5) If the lender contravenes subsection (2), the borrower is only required to repay the advance to the lender and is not liable to pay the cost of borrowing or any interest.

Transition

(6) This section does not apply to a payday loan agreement that was in existence before the day this section came into force.

2 (1) Clause 33 (1) (b) of the Act is repealed and the following substituted:

(b) unless otherwise prescribed, a fee no greater than $25 for,

(i) a dishonoured cheque,

(ii) a dishonoured pre-authorized debit, or

(iii) any other dishonoured instrument of payment.

(2) Section 33 of the Act is amended by adding the following subsection:

Multiple fees prohibited

(1.1) A lender shall not impose a fee under clause (1) (b) against a borrower more than once with respect to each payday loan agreement, regardless of the number of dishonoured instruments of payment accumulated with respect to that payday loan agreement.

(3) Subsection 33 (2) of the Act is amended by adding "or (1.1)" at the end.

(4) Section 33 of the Act is amended by adding the following subsections:

Consequence

(3) If the lender contravenes subsection (1) or (1.1), the borrower is only required to repay the advance to the lender and is not liable to pay the cost of borrowing or any default charges.

Transition

(4) Clause (1) (b) and subsections (1.1) and (3) do not apply to a payday loan agreement that was in existence before the day this subsection came into force.

Same

(5) Clause (1) (b), as it read before the day this subsection came into force, applies to a payday loan agreement that was in existence before the day this subsection came into force.

3 (1) Section 44 of the Act is amended by adding the following subsection:

Illegal default charges, interest

(1.1) A payment referred to in subsection (1) includes interest or a default charge received by a licensee from a borrower to which the licensee is not entitled under this Act or that the borrower is not liable to pay under this Act.

(2) Subsection 44 (4) of the Act is amended by striking out "Subsections (1)" at the beginning and substituting "Subsections (1), (1.1)".

4 Section 77 of the Act is amended by adding the following paragraphs:

24. changing the maximum rate of interest that a lender may charge for the purposes of subsection 32.1 (3).

24.1 changing the maximum fee for the purposes of clause 33 (1) (b).

Commencement

5 This Schedule comes into force 30 days after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 17
PLANNING ACT

1 Section 37 of the *Planning Act* is repealed and the following substituted:

Community benefits charges

Definitions

37 (1) In this section,

"specified date" means the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*; ("date précisée")

"valuation date" means, with respect to land that is the subject of development or redevelopment,

(a) the day before the day the building permit is issued in respect of the development or redevelopment, or

(b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued. ("date d'évaluation")

Community benefits charge by-law

(2) The council of a local municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.

What charge can be imposed for

(3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;

(b) the approval of a minor variance under section 45;

(c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;

(d) the approval of a plan of subdivision under section 51;

(e) a consent under section 53;

(f) the approval of a description under section 9 of the *Condominium Act, 1998*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Excluded development or redevelopment

(4) A community benefits charge may not be imposed with respect to,

(a) development of a proposed building or structure with fewer than five storeys at or above ground;

(b) development of a proposed building or structure with fewer than 10 residential units;

(c) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;

(d) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or

(e) such types of development or redevelopment as are prescribed.

Community benefits charge — relationship to development charge, etc.

(5) For greater certainty, nothing in this Act prevents a community benefits charge from being imposed with respect to land for park or other public recreational purposes or with respect to the services listed in subsection 2 (4) of the *Development Charges Act, 1997*, provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law or from the special account referred to in subsection 42 (15).

In-kind contributions

(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies.

Notice of value of in-kind contributions

(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them.

Deduction of value of in-kind contributions

(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.

Community benefits charge strategy

(9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,

(a) identifies the facilities, services and matters that will be funded with community benefits charges; and

(b) complies with any prescribed requirements.

Consultation

(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Commencement of by-law

(11) A community benefits charge by-law comes into force on the day it is passed or the day specified in the by-law, whichever is later.

Limitation

(12) Only one community benefits charge by-law may be in effect in a local municipality at a time.

Notice of by-law and time for appeal

(13) The clerk of a municipality that has passed a community benefits charge by-law shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(14) Notices required under subsection (13) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(15) Every notice required under subsection (13) must be given no later than 20 days after the day the by-law is passed.

When notice given

(16) A notice required under subsection (13) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(17) Any person or public body may appeal a community benefits charge by-law to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duties on appeal

(18) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a community benefits charge by-law, the clerk shall compile a record that includes,

(a) a copy of the by-law certified by the clerk;

(b) a copy of the community benefits charge strategy;

(c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and

(d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(19) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(20) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(21) The Tribunal shall hold a hearing to deal with any notice of appeal of a community benefits charge by-law forwarded by the clerk of a municipality.

Notice of hearing

(22) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(23) After the hearing, the Tribunal may,

(a) dismiss the appeal in whole or in part;

(b) order the council of the municipality to repeal or amend the by-law in accordance with the Tribunal's order; or

(c) repeal or amend the by-law in such manner as the Tribunal may determine.

Limitation on powers

(24) The Tribunal may not amend or order the amendment of a by-law so as to,

(a) increase the amount of a community benefits charge that will be payable in any particular case;

(b) add or remove, or reduce the scope of, an exemption provided in the by-law;

(c) change a provision for the phasing in of community benefits charges in such a way as to make a charge, or part of a charge, payable earlier; or

(d) change the date, if any, the by-law will expire.

Dismissal without hearing

(25) Despite subsection (21), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered repeals, amendments effective

(26) The repeal or amendment of a community benefits charge by-law by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. repeals by-law, etc.

(27) If the Tribunal repeals or amends a community benefits charge by-law, or orders the council of a municipality to repeal or amend a community benefits charge by-law, the municipality shall refund,

(a) in the case of a repeal, any community benefits charge paid under the by-law; or

(b) in the case of an amendment, the difference between any community benefits charge paid under the by-law and the community benefits charge that would have been payable under the by-law as amended.

When refund due

(28) If a municipality is required to make a refund under subsection (27), it shall do so,

(a) if the Tribunal repeals or amends the by-law, within 30 days after the Tribunal's order; or

(b) if the Tribunal orders the council of the municipality to repeal or amend the by-law, within 30 days after the repeal or amendment by the council.

Interest

(29) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

Application of specified provisions to by-law amendments

(30) Subsections (9) to (11) and (13) to (29) apply, with necessary modifications, to an amendment to a community benefits charge by-law other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(31) In an appeal of an amendment to a community benefits charge by-law, the Tribunal may exercise its powers only in relation to the amendment.

Maximum amount of community benefits charge

(32) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

Payment under protest and appraisal provided by owner

(33) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (32), the owner shall,

(a) pay the charge under protest; and

(b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (33) (b)

(34) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (33) (b), the payment is deemed not to have been made under protest.

Appraisal provided by the municipality

(35) If the municipality disputes the value of the land identified in the appraisal referred to in clause (33) (b), the municipality shall, within the prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (35)

(36) If the municipality does not provide an appraisal in accordance with subsection (35), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in clause (33) (b).

Appraisal under subs. (35) within 5%

(37) If the municipality provides an appraisal in accordance with subsection (35) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (33) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in clause (33) (b) or subsection (35), whichever identifies the higher value of the land.

Appraisal under subs. (35) not within 5%

(38) If the municipality provides an appraisal in accordance with subsection (35) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (33) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (42) prepare an appraisal of the value of the land as of the valuation date.

Time period for appraisal referred to in subs. (38)

(39) The municipality shall provide the owner with the appraisal referred to in subsection (38) within the prescribed time period.

Appraisal under subs. (38)

(40) If an appraisal is prepared in accordance with subsection (38), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in subsection (38).

Non-application of subss. (36), (37) and (40)

(41) For greater certainty, a refund is not required under subsection (36), (37) or (40) if the maximum amount determined in accordance with subsection (32), based on the value of the land identified in the applicable appraisal, is greater than the amount of the community benefits charge imposed by the municipality.

List of appraisers

(42) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who,

(a) are not employees of the municipality or members of its council; and

(b) have an agreement with the municipality to perform appraisals for the purposes of subsection (38).

Same

(43) A municipality shall maintain the list referred to in subsection (42) until the later of,

(a) the day on which the community benefits charge by-law is repealed; and

(b) the day on which there is no longer any refund that is or could be required to be made under subsection (40).

No building without payment

(44) No person shall construct a building on the land proposed for development or redevelopment unless,

(a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and

(b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made.

Special account

(45) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.

Investments

(46) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account.

Requirement to spend or allocate monies in special account

(47) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

Reports and information

(48) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.

Application of subs. (51)

(49) Subsection (51) applies with respect to the following:

1. A special account established in accordance with subsection 37 (5), as it read on the day before section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.
2. A reserve fund established by a local municipality in accordance with section 33 of the *Development Charges Act, 1997* for any service other than the services described in paragraphs 1 to 20 of subsection 2 (4) of the *Development Charges Act, 1997*.

Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997*

(50) Despite subsection (49), subsection (51) does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the earlier of,

(a) the day the municipality passes a community benefits charge by-law under subsection (2); and

(b) the specified date.

Transition respecting special account and reserve fund described in subs. (49)

(51) The following rules apply with respect to a special account or reserve fund to which this subsection applies:

1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (45).
2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2.
4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (45).

Credit under s. 38 of *Development Charges Act, 1997*

(52) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the *Development Charges Act, 1997* that was held as of the day before the day the by-law is passed and that relates to any services other than the services described in paragraphs 1 to 20 of subsection 2 (4) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law.

Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997*

(53) Subsection (52) does not apply with respect to a credit that relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the date the municipality passes the community benefits charge by-law.

Transitional matters respecting repealed s. 37, etc.

Definitions

37.1 (1) In this section,

"by-law described in the repealed subsection 37 (1)" means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; ("règlement municipal visé au paragraphe 37 (1) abrogé")

"effective date" means the day section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force. ("date d'effet")

Continued application of repealed s. 37 (1) to (5)

(2) Despite their repeal by section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:

1. Subsections 37 (1) to (4), as they read on the day before the effective date.
2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (45).

By-law described in repealed s. 37 (1)

(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):

1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.
2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (45).
3. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.

Non-application of subs. (3)

(4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law,

(a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before the effective date; or

(b) is repealed.

Applicable date

(5) The applicable date referred to in subsections (2), (3) and (4) is the earlier of,

(a) the day the municipality passes a community benefits charge by-law under subsection 37 (2); and

(b) the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*.

2 (1) The definition of "effective date" in subsection 42 (0.1) of the Act is amended by striking out "the day subsection 28 (1) of the *Smart Growth for Our Communities Act, 2015* comes into force" and substituting "July 1, 2016".

(2) Section 42 of the Act is amended by adding the following subsection:

Commencement of by-law

(2) A by-law passed under this section comes into force on the day it is passed or the day specified in the by-law, whichever is later.

(3) Section 42 of the Act is amended by adding the following subsection:

Consultation

(3.1) Before passing a by-law under this section that provides for the alternative requirement authorized by subsection (3), the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

(4) Section 42 of the Act is amended by adding the following subsections:

Application, subss. (4.5) to (4.24)

(4.4) Subsections (4.5) to (4.24) apply in respect of a by-law passed under this section or an amendment to such a by-law only if the by-law or amendment provides for the alternative requirement authorized by subsection (3).

Notice of by-law and time for appeal

(4.5) The clerk of a municipality that has passed a by-law under this section shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(4.6) Notices required under subsection (4.5) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(4.7) Every notice required under subsection (4.5) must be given not later than 20 days after the day the by-law is passed.

When notice given

(4.8) A notice required under subsection (4.5) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(4.9) Any person or public body may appeal a by-law passed under this section to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duty on appeal

(4.10) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a by-law passed under this section, the clerk shall compile a record that includes,

(a) a copy of the by-law certified by the clerk;

(b) a copy of the parks plan referred to in subsection (4.1), if one exists;

(c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and

(d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(4.11) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(4.12) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(4.13) The Tribunal shall hold a hearing to deal with any notice of appeal of a by-law passed under this section forwarded by the clerk of a municipality.

Notice

(4.14) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(4.15) After the hearing, the Tribunal may,

(a) dismiss the appeal in whole or in part;

(b) order the council of the municipality to amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in accordance with the Tribunal's order; or

(c) amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in such manner as the Tribunal may determine.

Limitation on powers

(4.16) The Tribunal may not amend or order the amendment of a by-law so as to,

(a) increase the amount of parkland that will be required to be conveyed or payment in lieu that will be required to be paid in any particular case;

(b) add or remove, or reduce the scope of, an exemption provided in the by-law; or

(c) change the date, if any, the by-law will expire.

Dismissal without hearing

(4.17) Despite subsection (4.13), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered amendments effective

(4.18) The amendment of a by-law passed under this section by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. amends by-law, orders amendment

(4.19) If the Tribunal amends a by-law passed under this section or orders the council of a municipality to amend a by-law passed under this section, the municipality shall refund,

(a) in the case of a development or redevelopment that was subject to a requirement to convey land but not a requirement for a payment in lieu, the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended;

(b) in the case of a development or redevelopment that was subject to a requirement for a payment in lieu but not a requirement to convey land, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended; or

(c) in the case of a development or redevelopment that was subject both to a requirement for a payment in lieu and to a requirement to convey land,

(i) if the amount of land that was conveyed is greater than or equal to the amount of land required to be conveyed under the by-law as amended, the payment in lieu and the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended, or

(ii) if the amount of land that was conveyed is less than the amount of land required to be conveyed under the by-law as amended, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended.

When refund due

(4.20) If a municipality is required to make a refund under subsection (4.19), it shall do so,

(a) if the Tribunal amends the by-law, within 30 days after the Tribunal's order; or

(b) if the Tribunal orders the council of the municipality to amend the by-law, within 30 days after the amendment by the council.

Interest

(4.21) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality or, where land was required to be conveyed, the day the building permit was issued in respect of the development or redevelopment, to the day the amount is refunded.

Same, more than one building permit

(4.22) If more than one building permit was required for the development or redevelopment in respect of which an amount is being refunded, the municipality shall pay interest, at a rate not less than the prescribed minimum interest rate, from the day the first permit was issued for the development or redevelopment to the day the amount is refunded.

Application of specified provisions to by-law amendments

(4.23) Subsections (2), (3.1) and (4.5) to (4.22) apply, with necessary modifications, to an amendment to a by-law passed under this section other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(4.24) In an appeal of an amendment to a by-law passed under this section, the Tribunal may exercise its powers only in relation to the amendment.

Non-application

(4.25) For greater certainty, subsections (3.1) and (4.5) to (4.24) do not apply to a by-law passed under this section or an amendment to a by-law passed under this section before the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Transition, expiry of by-law

(4.26) A by-law passed under this section that is in force on the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force and that provides for the alternative requirement authorized by subsection (3) expires on the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997* unless it is repealed earlier.

(5) Subsection 42 (6.4) of the Act is amended by adding "(4.19)" before "(6)".

(6) Section 42 of the Act is amended by adding the following subsections:

Same, refund following appeal if by-law is amended

(10.1) In the event of a dispute between a municipality and an owner of land as to the value of land for the purposes of subsection (4.19),

(a) the municipality shall pay the owner the amount it considers to be owed under that subsection in accordance with subsection (4.20); and

(b) the owner shall, no later than 30 days after receiving payment, apply to the Tribunal to have the value determined for the purpose of that subsection.

Same

(10.2) An owner of land who applies to the Tribunal under subsection (10.1) shall give notice of the application to the municipality within 15 days after the application is made.

Same

(10.3) On an application under subsection (10.1), the Tribunal shall, in accordance as nearly as may be with the *Expropriations Act*, determine the value of the land.

3 Section 47 of the Act is amended by adding the following subsections:

Interpretation, "specified land"

(4.1) In subsections (4.3) to (4.16),

"specified land" means land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

Exclusion of land in Greenbelt Area

(4.2) For greater certainty, the land in the Greenbelt Area that is excluded from the definition of "specified land" in subsection (4.1) is the area of land designated under clause 2 (1) (a) of the *Greenbelt Act, 2005* which, pursuant to subsection 2 (2) of that Act, includes,

(a) the areas covered by the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*;

(b) the areas covered by the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*; and

(c) such areas of land as may be described in the regulations made under the *Greenbelt Act, 2005*.

Site plan control and inclusionary zoning, specified land

(4.3) The Minister may, in an order made under clause (1) (a) that applies to specified land,

(a) provide that section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of all or a specified part of the specified land described in the order;

(b) require that a person who owns all or any part of the specified land described in the order enter into one or more agreements with a municipality in which all or part of the specified land is situate dealing with some or all of the matters listed in subsection (4.4); and

(c) exercise any of the powers conferred on councils by subsections 35.2 (1) and (2) in respect of all or a specified part of the specified land described in the order.

Matters that may be dealt with in agreement

(4.4) The matters referred to in clause (4.3) (b) are the following, subject to subsection (4.6):

1. A requirement that any development, within the meaning of subsection 41 (1), on all or a specified part of the specified land described in the order be undertaken in accordance with,

   i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and

   ii. drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display,

      A. the massing and conceptual design of the proposed building,

B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,

C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

D. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design,

E. matters relating to exterior access to each building that will contain affordable housing units or to any part of such a building, but only to the extent that it is a matter of exterior design,

F. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, and

G. facilities designed to have regard for accessibility for persons with disabilities.

2. Anything that may be imposed as a condition by a municipality under subsection 41 (7) of this Act or subsection 114 (11) of the *City of Toronto Act, 2006*.

3. Anything that may be imposed as a condition by an upper-tier municipality under subsection 41 (8).

Same, Minister's direction

(4.5) If an order made under clause (1) (a) includes a requirement described in clause (4.3) (b) to enter into an agreement, the Minister may, at any time before or after the agreement has been entered into, provide the parties with written direction concerning the agreement.

Contents of Minister's direction

(4.6) Without limiting the generality of subsection (4.5), the Minister's direction may,

(a) provide that one or more of the matters listed in subsection (4.4) shall not be dealt with in an agreement; or

(b) specify how any matter listed in subsection (4.4) shall be addressed in an agreement.

Compliance with Minister's direction

(4.7) The parties that are required under clause (4.3) (b) to enter into an agreement shall ensure that,

(a) if the Minister gives direction under subsection (4.5) before the agreement is entered into, the agreement complies with the direction; and

(b) if the Minister gives direction under subsection (4.5) after the agreement is entered into, the agreement is amended to comply with the direction.

Effect of non-compliance

(4.8) A provision of an agreement entered into pursuant to a requirement described in clause (4.3) (b) is of no effect to the extent that it does not comply with a direction the Minister gives under subsection (4.5).

Same, timing of Minister's direction

(4.9) Subsection (4.8) applies whether the Minister's direction is given before or after the agreement has been entered into.

Non-application of *Legislation Act, 2006*, Part III

(4.10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction given by the Minister under subsection (4.5).

Restriction on matters in subs. (4.4), par. 1

(4.11) The following matters relating to buildings described in subparagraph 1 ii of subsection (4.4) shall not be dealt with in an agreement entered into pursuant to a requirement described in clause (4.3) (b):

1. The interior design.

2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (4.4).

3. The manner of construction and construction standards.

Enforceability of agreement

(4.12) If an agreement is entered into between the owner of land and a municipality in accordance with a requirement described in clause (4.3) (b),

(a) the agreement may be registered against the land to which it applies; and

(b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Inclusionary zoning policies

(4.13) If an order is made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c), the Minister may do one or both of the following:

1. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order and the municipality in which all or part of the specified land is situate enter into one or more agreements dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.
2. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order enter into one or more agreements with the Minister dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.

Same

(4.14) An order containing a requirement described in paragraph 1 of subsection (4.13) is deemed to be a by-law passed by the council of the relevant local municipality for the purposes of subsections 35.2 (3) to (9) and a municipality that is a party to an agreement mentioned in that paragraph shall take the steps required under those subsections.

Same

(4.15) If an agreement is entered into in accordance with a requirement described in subsection (4.13),

(a) the agreement may be registered against the land to which it applies; and

(b) the Minister may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Same

(4.16) An order made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c) applies regardless of whether the official plan in effect in the relevant local municipality contains policies described in subsection 16 (4).

. . . . .

Exception re notice — order exercising powers under subs. (4.3)

(9.1) Subsection (9) does not apply with respect to an order under clause (1) (a) if, in the order, the Minister has exercised any of the powers in subsection (4.3).

4 The definition of "effective date" in subsection 51.1 (0.1) of the Act is amended by striking out "the day subsection 32 (1) of the *Smart Growth for Our Communities Act, 2015* comes into force" and substituting "July 1, 2016".

5 Paragraph 24.1 of section 70.1 of the Act is repealed and the following substituted:

24.1 prescribing types of development or redevelopment for the purposes of subsection 37 (4);

24.1.1 prescribing requirements for the purposes of clause 37 (9) (b);

24.1.2 prescribing the percentage referred to in subsection 37 (32) to be applied to the value of land;

24.1.3 prescribing time periods for the purposes of clause 37 (33) (b) and subsections 37 (35) and (39);

AMENDMENTS TO OTHER ACTS

More Homes, More Choice Act, 2019

6 Sections 9 and 10, subsections 12 (1) to (8), 15 (1) to (5) and (7) and 17 (1) and (5) of Schedule 12 to the *More Homes, More Choice Act, 2019* are repealed.

Plan to Build Ontario Together Act, 2019

7 Schedule 31 to the *Plan to Build Ontario Together Act, 2019* is repealed.

COMMENCEMENT

Commencement

8 (1) Subject to subsection (2), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Sections 1, 2, 4 and 5 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 18
PROVINCIAL OFFENCES ACT

1 The French version of the definition of "police officer" in subsection 1 (1) of the *Provincial Offences Act* is amended by striking out "constables spéciaux" and substituting "agents spéciaux".

2 (1) Clause 5 (2) (b) of the Act is amended by striking out "in the manner provided in the offence notice" at the end and substituting "by mail or in any other manner specified in the offence notice".

(2) Subsection 5 (2) of the Act, as amended by subsection (1), is amended by striking out "If the offence notice includes a part with a notice of intention to appear, the defendant" at the beginning and substituting "The defendant".

(3) Subsection 5 (3) of the Act is repealed.

(4) Section 5 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the court office specified in the offence notice by mail or by any other method permitted by the court office, if the offence notice was served,

(a) on or after the day subsection 2 (4) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or

(b) before the day subsection 2 (4) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,

(i) gave notice of intention to appear under this section, requested a meeting with the prosecutor in accordance with section 5.1 or pleaded guilty under section 7 or 8, or

(ii) was convicted under subsection 9 (2).

(5) Subsection 5 (3.1) of the Act, as enacted by subsection (4), is repealed.

(6) Subsection 5 (4) of the Act is repealed and the following substituted:

Specified court office

(4) A notice of intention to appear is not valid unless it is given to the court office specified on the offence notice.

(7) Subsection 5 (5) of the Act is amended by striking out "under subsection (2) or (3)" and substituting "under this section".

3 (1) Subsections 5.1 (1) and (2) of the Act are repealed and the following substituted:

Availability of meeting procedure

(1) This section applies if the offence notice indicates that an option of a meeting with the prosecutor to discuss the resolution of the offence is available.

Requesting a meeting

(2) A defendant may, instead of giving notice of intention to appear under section 5, request a meeting with the prosecutor to discuss the resolution of the offence if, within 15 days after being served with the offence notice, the defendant,

(a) indicates the request on the offence notice; and

(b) delivers the offence notice to the court office specified in the offence notice by mail or in any other manner specified in the offence notice.

Specified court office

(2.1) An offence notice is not valid unless it is delivered to the court office specified in the offence notice.

(2) Subsection 5.1 (2) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out "Instead of filing the notice of intention to appear" at the beginning and substituting "Instead of giving notice of intention to appear under section 5".

(3) The French version of subsection 5.1 (3) of the Act is amended by striking out "dès que possible" and substituting "dès que matériellement possible".

(4) Subsection 5.1 (3) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out the portion before clause (a) and substituting the following:

Types of early resolution meetings

(3) The defendant may request to attend the early resolution meeting,

. . . . .

(5) Clause 5.1 (3) (a) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding "at the court office" at the end.

(6) The French version of subsection 5.1 (5) of the Act is amended by striking out "dès que possible" and substituting "dès que matériellement possible".

(7) Subsection 5.1 (6) of the Act is amended by striking out "if unable to attend in person because of remoteness".

(8) The French version of subsections 5.1 (10) and (11) of the Act is amended by striking out "dès que possible" wherever it appears and substituting in each case "dès que matériellement possible".

(9) Section 5.1 of the Act is amended by adding the following subsections:

Transition

(13) This section applies to a defendant served with an offence notice before the day subsection 3 (1) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* came into force, unless, before that day, the defendant,

(a) gave notice of intention to appear under section 5, requested and attended a meeting with the prosecutor in accordance with this section or pleaded guilty under section 8; or

(b) was convicted under subsection 9 (2).

Same

(14) Despite subsection (13), if the defendant requested a meeting with the prosecutor before the day referred to in that subsection and the meeting was not held but was scheduled before that day, this section applies to the defendant only if permitted by the clerk of the court.

(10) Subsections 5.1 (13) and (14) of the Act, as enacted by subsection (9), are repealed.

4 (1) Subsection 11 (2) of the Act is amended by adding "or on other evidence or information" after "if satisfied by affidavit of the defendant".

(2) Subsection 11 (2) of the Act, as re-enacted by section 6 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding "or on other evidence or information" after "if satisfied by affidavit of the defendant" in the portion before clause (a).

(3) Clauses 11 (3) (a) and (b) of the Act are repealed and the following substituted:

(a) proceed under section 7, if the offence notice does not indicate that the option of a meeting under section 5.1 is available and the defendant wishes to proceed under section 7;

(b) direct the clerk of the court to give notice to the defendant and the prosecutor of the time and place of their meeting under section 5.1, if the offence notice indicates that the option of a meeting under that section is available and the defendant wishes to proceed under that section; or

5 (1) Subsections 17.1 (1) and (3) of the Act are repealed and the following substituted:

Alternative to s. 17

(1) This section applies if the parking infraction notice allows for the defendant to make an appointment to discuss the parking infraction notice and, if applicable, file the notice of intention to appear.

. . . . .

Filing

(3) A defendant who is served with a parking infraction notice may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by filing a notice of intention to appear with a person designated by the regulations,

(a) in person at the time or times specified in the parking infraction notice;

(b) by mail; or

(c) in any other manner specified in the parking infraction notice.

(2) Section 17.1 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the place specified in the parking infraction notice by mail or in any other method permitted by the applicable municipality, if the parking infraction notice was served,

(a) on or after the day subsection 5 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or

(b) before the day subsection 5 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,

(i) delivered a notice of intention to appear under this section or section 18.1.1 or paid the fine, or

(ii) was convicted under subsection 18.2 (6).

(3) Subsection 17.1 (3.1) of the Act, as enacted by subsection (2), is repealed.

6 (1) Subsections 18.1.1 (1) and (3) of the Act are repealed and the following substituted:

Alternative to s. 18.1

(1) This section applies if the notice of impending conviction allows for the defendant to make an appointment to discuss the notice of impending conviction and, if applicable, file the notice of intention to appear.

. . . . .

Filing

(3) A defendant who receives a notice of impending conviction may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by filing a notice of intention to appear with a person designated by the regulations,

(a) in person at the time or times specified in the notice of impending conviction;

(b) by mail; or

(c) in any other manner specified in the notice of impending conviction.

(2) Section 18.1.1 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the place specified in the notice of impending conviction by mail or in any other method permitted by the applicable municipality, if the notice of impending conviction was received,

(a) on or after the day subsection 6 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or

(b) before the day subsection 6 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,

(i) delivered a notice of intention to appear under this section or section 17.1 or paid the fine, or

(ii) was convicted under subsection 18.2 (6).

(3) Subsection 18.1.1 (3.1) of the Act, as enacted by subsection (2), is repealed.

7 Subsection 19 (2) of the Act is amended by striking out "or otherwise" and substituting "or on other evidence or information".

8 (1) Subsection 26 (2) of the Act is repealed and the following substituted:

Service

(2) A summons shall be served by a provincial offences officer,

(a) by delivering it personally to the person to whom it is directed or, if that person cannot conveniently be found, by leaving it for the person at the person's last known or usual place of residence with an individual who appears to be at least sixteen years of age and resident at the same address; or

(b) in any other manner permitted by the regulations.

(2) Section 26 of the Act is amended by adding the following subsection:

Regulations

(7) The Lieutenant Governor in Council may make regulations specifying how a summons may be served on a person for the purposes of clause (2) (b), and setting out when such service is deemed to have been effected.

9 Section 45 of the Act is amended by adding the following subsection:

Same, participation by electronic method

(3.1) If the defendant is making a plea by electronic method under section 83.1, the court may accept a plea of guilty only if, in addition to subsection (3), the court is satisfied that,

(a) the defendant does not believe that the defendant's ability to conduct a defence is compromised by participating by electronic method; and

(b) the defendant is not being unduly influenced in making the plea by circumstances or persons at the location where the defendant is physically located.

10 Subsection 76.1 (1) of the Act is amended by adding "or the rules of court" after "under this Act".

11 Section 83.1 of the Act is repealed and the following substituted:

Participation in proceedings by electronic method

83.1 (1) In this section,

"electronic method" means video conference, audio conference, telephone conference or other method determined by the regulations.

Same

(2) Subject to this section, in any proceeding under this Act or any step in a proceeding under this Act, any person, including a defendant, a prosecutor, a witness, an interpreter, a justice or the clerk of the court, may participate by an electronic method made available by the court office.

Excepted proceedings, circumstances

(3) Subsection (2) does not apply with respect to proceedings or steps in a proceeding, or in circumstances, that are specified by the regulations.

Requirement to appear in person

(4) A justice may order a person to appear in person if the justice is satisfied that the interests of justice require it or it is necessary for a fair trial.

Same

(5) In making a determination under subsection (4), the justice shall consider any factors set out in the regulations.

Direction re method

(6) A justice may, subject to subsection (7), by order specify which of available electronic methods must or may be used.

Limitation re methods

(7) The electronic method that may be used in a proceeding or step in a proceeding is subject to any limitations specified by the regulations as to which electronic methods may be used in the proceeding or step.

Duties of the clerk

(8) If an offence notice indicates that the option of a meeting under section 5.1 is available, the clerk of the court at the court office indicated in the offence notice shall ensure that the court office has the means available to allow a defendant or prosecutor to attend by electronic method.

Oaths

(9) If evidence is given under oath by electronic method, the oath may be administered by the same electronic method.

Interpretation

(10) A provision of this Act, the regulations or the rules of court that presumes that participation would be in person shall not be read as limiting the application of this section, and shall be read in a manner consistent with this section.

Territorial jurisdiction

(11) A hearing in a proceeding by electronic method under this section is deemed to meet the requirements of subsections 29 (1) and (2) regardless of where a justice is physically located during the hearing.

Application in appeals

(12) This section applies, with necessary modifications, with respect to appeals under Part VII, and, for the purpose, references in this section to a court and to a justice shall be read as including reference to a court and to a judge respectively, as those terms are defined for the purposes of that Part.

Transition

(13) This section applies with respect to a proceeding whether it was commenced before, on or after the day section 11 of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Regulations

(14) The Lieutenant Governor in Council may make regulations,

(a) respecting anything that, in this section, may or must be done by regulation;

(b) requiring the payment of fees for using electronic methods, fixing the amounts of the fees, and specifying circumstances in which and conditions under which a justice or another person designated in the regulations may waive the payment of a fee.

12 The French version of section 89 of the Act is amended by striking out "introduite" and substituting "accomplie".

13 Subsection 141 (2) of the Act is amended by striking out "file with the Superior Court of Justice for use on the application, all material concerning the subject-matter of the application" at the end and substituting "ensure that all material concerning the subject-matter of the application is filed with the Superior Court of Justice for use on the application".

14 (1) Subsection 158.1 (1) of the Act is repealed and the following substituted:

Electronic warrants

Submission of information

(1) A provincial offences officer may submit an information on oath, by a means of electronic communication that produces a writing, to a justice designated for the purpose by the Chief Justice of the Ontario Court of Justice.

(2) Clause 158.1 (4) (a) of the Act is repealed.

(3) Subsection 158.1 (6) of the Act is amended by adding "and" at the end of clause (a) and by striking out clause (b).

(4) Clause 158.1 (8) (b) of the Act is amended by striking out "telecommunication" and substituting "electronic communication".

15 The French version of the following provisions of the Act is amended by striking out "à sa face même" wherever it appears and substituting in each case "à première vue":

1. **Clauses 9 (2) (a) and (b) and subsection 9 (3).**
2. **Subsection 9.1 (2).**
3. **Clause 18.2 (2) (a).**
4. **Subsection 18.4 (2).**
5. **Subsection 36 (1).**

16 The French version of the following provisions of the Act is amended by striking out "à sa face" wherever it appears and substituting in each case "à première vue":

1. **Subsection 18.3 (1).**
2. **Subsection 18.3 (2).**

Stronger, Fairer Ontario Act (Budget Measures), 2017

17 Sections 2 and 16 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.

Commencement

18 (1) Subject to subsections (2) to (5), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Subsections 2 (2), (3) and (5) and 3 (10) come into force on the first anniversary of the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) Subsections 5 (1) and (3) and 6 (1) and (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

(4) Subsections 3 (2), (4) and (5) come into force on the later of the day section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(5) Subsection 4 (2) comes into force on the later of the day section 6 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 19
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT

1 The *Public Transportation and Highway Improvement Act* is amended by adding the following sections:

No hearings of necessity

11.1 (1) Subsections 6 (2) to (5), section 7 and subsections 8 (1) and (2) of the *Expropriations Act* do not apply to an expropriation of land under section 11.

Transition

(2) If a decision under subsection 8 (2) of the *Expropriations Act* has not been made in respect of an intended expropriation of land under section 11 before the day section 1 of Schedule 19 of the *COVID-19 Economic Recovery Act, 2020* comes into force,

(a) no hearing shall be held on the matter under section 7 of the *Expropriations Act*;

(b) any hearing on the matter that has been commenced is deemed to be terminated on the day section 1 of Schedule 19 of the *COVID-19 Economic Recovery Act, 2020* comes into force; and

(c) no report on the matter shall be given under subsection 7 (6) of the *Expropriations Act*.

This section prevails

(3) This section applies despite subsection 2 (4) of the *Expropriations Act*.

Alternative process

11.2 (1) The Minister may establish a process for receiving comments from property owners about a proposed expropriation under section 11 and for considering those comments.

How process established

(2) The Minister may make regulations establishing the process or may establish the process by another means.

Statutory Powers Procedure Act

(3) The *Statutory Powers Procedure Act* does not apply to a process for receiving and considering comments about a proposed expropriation under this section.

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 20
TRANSIT-ORIENTED COMMUNITIES ACT, 2020

Definitions

1 In this Act,

"Minister" means the Minister of Transportation or such other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; ("ministre")

"priority transit project" means,

(a) the line known as the Ontario Line located in the City of Toronto,

(b) the subway extension known as the Scarborough Subway Extension, and also known as the Line 2 East Extension, located in the City of Toronto,

(c) the subway extension known as the Yonge Subway Extension, and also known as the Yonge North Subway Extension, extending from within the City of Toronto to within the Regional Municipality of York, or

(d) the light rail transit extension known as the Eglinton Crosstown West Extension extending westward from within the City of Toronto at the station known as Mount Dennis; ("projet de transport en commun prioritaire")

"transit-oriented community project" means a development project of any nature or kind and for any usage in connection with the construction or operation of a station that is part of a priority transit project, and includes a development project located on transit corridor land within the meaning of Bill 171 (*Building Transit Faster Act, 2020*), introduced on February 18, 2020. ("projet communautaire axé sur le transport en commun")

Designation of transit-oriented community land

2 (1) The Lieutenant Governor in Council may, by order in council, designate land as transit-oriented community land if, in the opinion of the Lieutenant Governor in Council, it is or may be required to support a transit-oriented community project.

Public notice

(2) The Minister shall publish notice of each designation made under subsection (1) on a Government of Ontario website.

Expropriations, no hearings of necessity

3 (1) Subsections 6 (2) to (5), section 7 and subsections 8 (1) and (2) of the *Expropriations Act* do not apply to an expropriation of land, within the meaning of that Act, if,

(a) at least some part of the land is designated under subsection 2 (1) as transit-oriented community land; and

(b) the expropriation is for a transit-oriented community project.

Conflict

(2) Subsection (1) applies despite subsection 2 (4) of the *Expropriations Act*.

Process for comments

(3) The Minister may establish a process for receiving comments from property owners about a proposed expropriation and for considering those comments.

Same, regulations

(4) The Minister may make regulations establishing a process described in subsection (3).

Statutory Powers Procedure Act

(5) The *Statutory Powers and Procedure Act* does not apply to a process for receiving and considering comments about a proposed expropriation established under subsection (3) or by regulations made under subsection (4).

AMENDMENTS TO OTHER ACTS

Ministry of Infrastructure Act, 2011

4 (1) The *Ministry of Infrastructure Act, 2011* is amended by adding the following section:

Investing in a transit-oriented community project

7.1 (1) The Minister may, subject to the approval of the Lieutenant Governor in Council, establish, acquire, manage, participate in or otherwise deal with corporations, partnerships, joint ventures or other entities for the purpose of investing assets in, supporting or developing transit-oriented community projects related to priority transit projects.

Borrowing and risk management

(2) When acting under subsection (1), the Minister may borrow or manage financial risks as long as,

(a) the Minister of Finance has, in writing, approved the borrowing or management; and

(b) the Ontario Financing Authority co-ordinates and arranges the borrowing or management, unless otherwise agreed to in writing by the Minister of Finance.

Investment policy

(3) The Minister shall ensure that every entity referred to in subsection (1) invests any funds that it receives either directly or indirectly from the Minister in accordance with an investment policy that has been approved in writing by the Minister of Finance.

Regulations

(4) The Lieutenant Governor in Council may make regulations,

(a) prescribing and governing any additional powers that the Minister may require in order to carry out the activities set out in subsection (1);

(b) prescribing and governing any limitations to permitted activities for the purposes of subsection (1);

(c) prescribing provisions of the *Corporations Act*, *Business Corporations Act* and *Corporations Information Act* that apply or do not apply to any particular corporation referred to in subsection (1) and, in the case of provisions prescribed as applying, prescribing such modifications of those provisions as the Lieutenant Governor in Council considers necessary or advisable;

(d) providing that an entity referred to in subsection (1) is or is not a Crown agent;

(e) prescribing and respecting the governance structure, purposes, powers or duties for a partnership, joint venture or other entity referred to in subsection (1) that is not a corporation;

(f) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for the purposes of this section, including to ensure that an entity referred to in subsection (1) may effectively carry out its purposes, powers and duties.

Definitions

(5) In this section,

"priority transit project" and "transit-oriented community project" have the same meaning as in the *Transit-Oriented Communities Act, 2020*.

(2) Subsection 19 (2) of the Act is amended by adding the following paragraph:

2.1 Section 7.1.

COMMENCEMENT AND SHORT TITLE

Commencement

5 (1) If Bill 171 (*Building Transit Faster Act, 2020*), introduced on February 18, 2020, receives Royal Assent, the Act set out in this Schedule comes into force on the later of,

(a) the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent; and

(b) the day Bill 171 receives Royal Assent.

(2) The Act set out in this Schedule does not come into force if Bill 171 does not receive Royal Assent.

Short title

6 The short title of the Act set out in this Schedule is the *Transit-Oriented Communities Act, 2020*.